LIVING IN OUR FAITH, BUT UNDER THE LAW: STRIKING THE LEGAL BALANCE BETWEEN GOD AND GOVERNMENT

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ABSTRACT

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THE LEGAL BALANCE BETWEEN

GOD AND GOVERNMENT

by

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United Theological Seminary, 1998

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A renaissance of interest in the relationship between church and state has developed in the United States as congregations seek to resolve internal disputes and address governance issues.

This model in ministry uses a dual focus to explore this issue. The case-study mode is used to examine typical internal church disputes brought to court attention; seminars and questionnaires were conducted to ascertain pastors' level of legal acumen relevant to church operations. This project suggests the minimum level of legal knowledge needed to counter risks that impair the African-American Church's ability to advance an effective ministry in the community.

ACKNOWLEDGMENTS

There are many people to thank for the completion of this project and the writing of this paper. Several friends have read all or portions of this paper and offered opinions and corrections. Others have participated in the survey and the series of seminars used for this model in ministry and have contributed to the information contained herein.

The list of persons to whom I owe the completion of this paper and project include my immediate family, Rodney and Naima Howard; my spiritual father, the Rev. Clay Evans; my ever-present nephew, Nathaniel Howard Rogers; our surrogate mother, Katie Pinkins; my dear friends Bernetta Bush and Ellis May, III. Helping pastors in bearing the legal cross could not have been accomplished within the biblical framework for this presentation without my mentors and friends in the ministry: the Rev. Jesse L. Jackson, Dr. Michael Nobel, the Rev. Donald Parson, the Rev. Carlton Davis, Dr. Yvonne Delk and the Doctor of Ministry graduates from United Theological Seminary who encouraged, pushed and prayed with and for me every page along the way. I owe a special debt of gratitude to Rev. Dr. Otis Moss, Jr., who counseled, mentored and challenged me through every stage of my spiritual growth in the ministry. Dr. Moss was never too busy or distracted to provide me with a much-needed word from God.

I want to thank my classmates and Dr. J. T. Roberson, the Rev. Wyatt Tee

Walker, Fellows at United Theological Seminary, who prayed, encouraged and forced me to keep this topic and complete this project. This is my first learning experience in which the entire faculty and administration of the school were actively involved in my success. I am grateful to Darryl Ward for causing me to enter United Theological Seminary; to Dr. Otis Moss, Jr., for mentoring me through many stages of my spiritual journey in ministry and social justice; to Dr. Wyatt Tee Walker for accepting me as a Walker fellow; and to the Rev. Franklin Richardson for requiring me to strive to meet the high standard demanded by the name "Walker Fellow".

This final paper would not have been completed without the assistance of Pat Thompson and Sandra Norris, who spent tireless hours typing, formatting and preparing the graphic layout for this final document and multimedia presentation. Fred Hunter provided the masterful editing which made me appear to be a writer.

I want to express my deep appreciation to the Rev. Jesse L. Jackson for his continuous reminder of the relationship between church and state: "We live in our faith, but under the law," a quote used as the title of this project as well as the focus of this ministry to preach legal concepts and to teach legal compliance.

This document is representative, in some small way, of what God has prepared me to offer this present age of religious leaders who operate from the African-American Christian tradition.

PREFACE

"We live in our faith ... but under the law."[1]

A quote from the Rev. Jackson frames this project. The African-American Christian is faced with the dilemma of living under the guidelines of a secular legal system which shapes and defines the parameters of his/her earthly existence, while living in a faith guided by biblical principles ordained by God. A vivid example of the relationship between church and state for African-American Christians can be found in the tension between the legal and moral challenges presented in the civil rights struggles of the 1950s and 1960s (an example of sacred-secular dichotomy). During these periods, African-Americans were denied access to public accommodations and to voting. Lack of access to these rights was supported by the law and enforced by white Christians.

The Bible is replete with examples of the secular-sacred dichotomy. People of faith during biblical times lived under decrees of kings and rulers of the governments. Christians have historically sought ways to live under morally unjust laws while seeking to challenge the ultimate impact of these laws within the context of their faith. Today, a disproportionate number of African-American Christians are faced with the sacred-secular dichotomy evidenced by a series of

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[1] Rev. Jesse L. Jackson, speech delivered at Rainbow PUSH Headquarters, September 1997.

public policies and laws that are oppressive and unjust. Included in this category are laws and public policies that give rise to economic red-lining, welfare reform, inadequately funded public education, laws regulating church property and disparity in taxation of rich and poor.[2]

Ignorance of the law has become a major demonic weapon used against the Black church.[3] Insufficient knowledge of the impact of laws and policies has weakened the viability of the Black church. Today, many of our African-American religious leaders and churches are inadequately trained to bear the consequences of the legal cross to stabilize the local church.[4] To address the chasm created by the impact of human laws on church viability, a redefinition of the African-American church's relationship to the American legal system must be effected. We must create a paradigm of legal compliance based on the word of God. This paper seeks to provide a paradigm for legal responsibility rooted in biblical principles. Most local and state governments like Cook County, Illinois impose a series of corporate requirements on the church as an organizational entity that exists within its corporate boundaries.[5] These

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requirements are codified in the laws and generally require various forms of annual reporting. Additionally, specific requirements regarding the acquisition of property and levy of taxes are imposed upon the church. Failure to comply with these laws and regulations can seriously impact the viability of the church and its property acquisitions and ownership. Most African-American church leaders either do not know whether they are in compliance with the laws as they relate to their respective churches or feel that the law cannot require them to comply; they believe that the law is not applicable to a religious entity or to a religious leader. The requirements of the law and the beliefs of African-American church leaders create a tension in the secular-sacred dialogue that mitigates the church's legal compliance. Specifically when the Black church operates within the context of its customs and practices without written compliance with laws, it is faced with a hostile and insensitive impact of secular laws. [6]

This paper presents a methodology in which the African-American church and its leadership can view and utilize the law to reach compliance and maintain their biblical tenets in a way that does not imped their ministry.

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DEDICATIONS

This project and paper are dedicated to the life and memory of my mother Ophelia Whetstone Wilson, without whom I would not be, and therefore this ministry would not exist. I owe my commitment to serve my people to the spiritual training and selfless example of unconditional service to humankind demonstrated in my mother's life on this side of eternity.

INTRODUCTION

Signs are guideposts that provide direction and guidance to the path one should take. Signs can also be indicators of the symptoms and causes that give rise to or create a condition. Here, at the close of the Twentieth Century, the signs are patently clear that increasingly, African-American religious leaders and institutions are involved in major and minor legal battles over taxes, property church governance, pastors' counseling and personal relationships that impinge on spiritual and institutional health of the congregation. The African-American church, in too many instances, has taken on the character of the current litiginous era in American society.[1]

The secular world has always remained consistent in its effort to regulate and control the activities of Christian pastors and the local faith communities since the founding of the New Testament Church. Those efforts remain unabated today. In the last several years, the United States government has increased its focus and attention on the activities of religious groups, and more particularly, the African-American Church. The African-American Church is challenged to survive and grow in a hostile legal environment as it seeks to have a liberating influence on its people who are still plagued with myriad vestiges of systemic racism. It is a daunting task.[2]

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A random review of cases filed in Federal district courts and in the Illinois circuit courts reveals that there has been a marked increase in the number of legal actions taken against pastors and church leaders from 1985 to 1995.[3] There is additional evidence which reveals that the Federal government made an ominous decision to aggressively increase its scrutiny of the financial record keeping and reporting of churches and pastors in the African-American community. This move was not in any wise surreptitious since it was underscored by broad public announcement of the new policy with the hiring of 5000 new revenue agents by the IRS in 1992 specifically assigned to audit church record. This has been interpreted in the African-American community as a blatant attempt to intimidate the only leadership in African-American life that has not been inextricably tied to the Establishment.[4] Dr. Wyatt Tee Walker has publicly commented that it is a futile attempt to fight the ghost of Martin Luther King, Jr. The subsequent arrest and incarceration of several prominent religious leaders in the African-American community for failure to file income taxes, the loss of church property as a result of non-compliance with existing statutes, the assessment of money damages, fines and penalties against pastors and church officers for inappropriate counseling are further indicators of the legal assaults

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against the African-American church.[5]

The increased legal attacks on the African-American church over the last decade have placed serious demands on the resources of African-American clergy and laity. Consequently, many pastors and church leaders are experiencing great difficulty in overcoming the legal obstacles that negate effective ministry in the Twenty-first Century. The quality and accessibility of legal training for the leadership in African-American churches is inadequate and almost non-existent for those institutions which are organized according to the congregational style of church governance as evidenced by the results of the survey conducted as a part of this research paper included in Appendix A.

For all above, it has been necessary to employ case-study methodology and to design a survey questionnaire to clearly establish the potential risks that are inherent in the dilemma described above. The questionnaire has been used to verify this writer's view about the inadequacy of legal preparedness for the institution of primary influence in African-American life. Seminars were held to help establish an arena for substantive dialogue which arena to confirm or counter the presumptions set forth (See Appendix A, herein).

The primary goal of this project was to examine the question whether legal training is needed in the African-American church, and, if so, to provide

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training guidelines in a model of interactive instructions, written and oral, in the critical areas of law and government. In keeping with the state goals, an assessment of the attitudes, general knowledge and training of the African-American pastor concerning the Law and the Church was accomplished. This was performed with a view toward developing a manual and a training program for African-American church leadership. The desirable end-product of this model in ministry is to provide leaders in the African-American church community with key biblical passages that shape and define the relationship of the Body of Christ to government statutory requirements without any abridgement of Christian principles. In sum, the project design aims as one outcome a manual to provide leaders in the African-American church a synthesis of church operations within the requirements of statute law. The manual will foster tension-free church governance, a reasonable method for conflict resolution and for defining appropriate levels of interpersonal relationships among members of the Body of Christ.

Successful application of the principles and information in this project will provide the basis for a training manual for the African-American church leader to minimize the incidence of litigation as the first step toward conflict resolution among Christians. It will helpmeet the need for legal knowledge among Christians and will help clarify within the legal system the unique aspects of the Christian Church as defined in the Bible. Finally, the implementation of the

materials that result from this project will assist Christian leaders in the Black church to identify and more effectively address public policy and social justice issues that face their congregations, in particular and the Body of Christ, in general.

Chapter one provides a brief overview on how the relationship between secular training and spiritual calling have framed the need for the creation of this model in ministry to protect against and prepare a Christian church for the demonic assaults of the nations legal systems. It is helpful for a Christian lawyer who is also a minister to be useful in training clergy and laity in the law and the ramifications of its impact on the local church.

Chapter two makes an analysis of the law and Christian literature as is relates to the Black church. The review demonstrates the paucity of information available to Christian leaders, clergy and lay and the limited training, even in seminaries, available to clergy on legal issues that affect all persuasions of faith communities. It suggests strongly the urgent need for a practical framework for informing Christian leaders concerning the legal principles required for the efficient operations of the institution as the challenges of the Twenty-first century are thrust upon the Body of Christ.

Chapter three provides the reader with a broad discussion of the key passages of the bible which govern many of the legal requirements local congregations must meet. It includes, a general discussion of the legal system

within the context of what the bible requires of its devotees in relationship to civil law and civil authority.

Chapter 4 details the mixed methodology used to address the issue of the nature and extent of legal compliance by the Black church. This chapter makes an attempt to utilize the traditional pedagogy for leadership training and transferring pedagogy to the task of including legal training within the biblical framework so that the systematic training proceeds in this arena for the leadership class in Black churches.

Chapter 5 discusses the methods used for data collection. A careful reading of this chapter will reveal the writer's justification for the combined use of a survey with seminar sessions and case studies with ethnographic emphasis in order to achieve credible results.

Chapter 6 summarizes the critical categories of need for legal compliance by the Black church. These are addressed specifically in brief. The success utilization of the principles espoused in this regard and the results gleaned from the survey instrument and the dialogic exchange in the seminars can be used as a basis to develop a training manual for the African-American church leadership to reduce the incidents of litigation as the first creative step to diminish and resolve intramural disputes within the Christian family. The immediate goal, if realized, will provide clarity for both the Christian community and secular authorities about the unique aspect of the existence of the Body of Christ in society. A short-term goal may well be that the implementation and

use of the materials produced will sensitize Christian clergy and laity to critical concern with public policy and justice issues that are an inherent aspect of Christ's mandate for those who belong to Him.

CHAPTER 1

MINISTRY FOCUS

This project evolved as a way to critically reflect upon the impact of the law on ordained ministry as presented through the lens of a minister lawyer. The nature of the problem evolved from the experience of an African-American Christian lawyer whose general practice became specialized by the representation of a large number of pastors and churches in the Chicago area. The case studies presented in this document are examples of the many vignettes gleaned from the personal case load of a lawyer specializing in the representation of churches and pastors. The factual patterns found in the cases selected from the Cook County Court files confirm the serious nature of the problem. The case study experiences of the lawyers representing the kinds of fact patterns causing churches and church officers to engage in litigation and the surveys frame the issues to be addressed in this project.

The first concern is to determine what will cause African-American church officers and pastors to seek legal compliance with state and federal statutory laws. The second concern addresses the beliefs and circumstances that cause officers or pastors of Black churches to ignore proper internal church organization (e.g., bylaws, contracts, employee and employer relationships). The third concern regards the type of litigation in which churches were involved

based on issues arising out of disputes between pastor, deacons, or other church officers. These legal conflicts arose primarily because most churches do not have structures in place at the local church level which might be regarded as adequate to resolve conflicts. The fourth concern noted was the problem that Black churches faced in achieving compliance in reporting revenue and filing income taxes. The fifth focus was pastoral and church counseling. Finally, the sixth concern regards moving the Black church from crisis law. The case studies suggested strongly the need for the development of a program of preventative law seminars and legal training institutes for churches.

One of the case studies described in this project discusses the impact of the calling to ministry of a lawyer who had been a legal advocate for the church. Exploration of the model that occurred in the personality of the lawyer provided insight into what was required to cause a change in the beliefs and practices of the traditional church pastor or church officer. The results of interviews and discussions held during the workshops conducted as a part of this study suggested the need for this model.

It was discovered that a void existed and that a large number of churches in the African-American community were out of compliance or in court because they had a lawyer who was not familiar with the nuances of church law, pastors who were completely ignorant of the law, or pastors who simply ignored the law. Thus, a main focus of the project was to review the beliefs and to develop a model training program that would assist pastors in:

1. Understanding the law;

2. Making a needs assessment for the local church to determine its compliance with local, state, and federal laws; and

3. Educating the pastor and church officers on the need for continued legal representation for the 21st century.

It is within this context that this project to preach the law and teach legal compliance to African-American church leaders has evolved. Underscoring the already perceived need for this project as outlined above, a compelling new fact came to light: that the Cook County Bar Association, the oldest association of African-American lawyers in the United States, has no church law section. This fact becomes more significant in the face of very recent church real estate history. In 1996 more than 2000 properties of African-American congregations were placed on the tax scavenger sale list for failure to pay property taxes.[1] In the context of the above, the researcher was surprised to discover that no church law sessions were held during any of the major conventions that require or encourage attendance by African-American pastors and church officers. This fact is troubling in light of, yet, another one: a significant number of African-American church pastors have been indicted for income tax fraud. A significant and growing number of churches have been divided and dissolved because of church property or contractual disputes, yet there are few, if any,

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[1] Cook County Property Records-notice published by Chicago Daily Law Bulletin Newspaper.

church training institutes to assist church leaders in developing church operating documents, bylaws and other tools for effective administration.[2]

It is important that the African-American church leadership begin to understand the law, the local, state, and federal regulations by which churches are regulated by government. The synergy between public policy and church beliefs and between church behavior and church ministry is the real relationship between church and state. This relationship must be understood within its historical context. A real knowledge of the law and its impact on the lives of Christians is essential for religious leaders to minister to oppressed and poor people. The church will not and cannot respond to immoral and unjust public policies manifested by American racism in the same manner that Jesus did, unless we have an understanding of the secular laws as they relate to the church.

The legal challenges faced by pastors and church officers are diverse and unique because they bring together a number of disciplines and require a combination of resources within the faith community. The spiritual journey of Janette C. Wilson and her unique preparation in these converging areas footnotes her recognition of the need for this model in ministry and God's preparation for its accomplishment. The synergy that exists between the development of a Christian ministry by one who is a licensed attorney provides a

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[2] Chitwood Seminar for Pastors and Church Leaders, 1997.

unique framework for understanding the need for this model in ministry. One must appreciate the need within the Black church context for a Christian lawyer who can articulate the law within the framework of biblical principles. The legal problems that beset African-American Christians have been intensified by the absence of a strong internal system of preaching the law and teaching compliance.

Public accommodations, voting rights, fair housing, and educational freedoms were denied to African Americans in the United States. Living in the rural south during the 50's and 60's provided a framework for understanding how the faith was "preached" within the context of an oppressive legal system. Black churches and church leaders organized and developed conventions and training institutions to teach the Bible and church organization without regard to teaching church administration and church law. The training and orientation of African-American Christian leadership during the 50's and 60's were primarily focused on the narrow issue of the right to worship and the place of worship. Today we approach the Twenty-first century with a continued focus on building worship centers and creating worship opportunities, yet we lack a focus on the impact of public policy on the lives of the congregants who support and attend the worship centers.[3]

A major obstruction to confronting deeper issues of African-American

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[3] Lincoln, Eric C., *Race, Religion and the Continuing American Dilemma. (New York: Hill & Wang, 1984).*

need, among others, has been the lack of adequate educational training for African-American men and women. The problems experienced by Black churches resulting from lack of legal knowledge reflect this basic point. This suggests that the combined attributes of this researcher--African-American, Christian, lawyer, with a background of struggle in the black experience, called to "preach the law and teach legal compliance"--provide an important and necessary framework through which to explore the sensitive issues that arise directly or indirectly from the effects of segregation and "Jim Crow."

Our life experiences provide the unique lenses through which we view life; they animate and dictate our many important choices. Here, the life of this researcher is no different than scores of others' lives, yet, we experience God's call precisely, uniquely. For Janette C. Wilson, a child born at home because her mother was denied admittance to the Ripley's hospital in Tennessee in 1950, forced to ride the back of the city bus, watching movies from the curtained balcony that separated blacks from whites, whose life centered on the religious activities of her community, God's call to be a legal voice was sure and clear. In the wilderness of legal attack on the Church of Jesus Christ, crying out the Word of Hope in the midst of preachers incarcerated, one sees the clear hand of God and the special path to one's destiny. From her perspective, nothing was clearer than the need for legal training; and little is clearer than the need of the Black church for better tools to strengthen her presence in the life of the community.

SPIRITUAL AUTOBIOGRAPHY

It is important to review the spiritual fingerprint of the research for this model in ministry for the purpose of understanding how God prepares and shapes those he calls and ordains for ministry. This researcher had a conversion experience similar to that of the prophet Jeremiah, "I shaped thee while in thy mother's womb".[4] There is no indication as to the specific date that the researcher accepted a belief in Jesus Christ. It is indicated, however, that the conversion to Christ was definite and was publicly acknowledged in several Christian worship experiences, first, at the Lutheran Church at 83rd and St. Lawrence in Chicago, where she was confirmed Lutheran by Pastor Bosak; and second, at the Carey Temple AME Church in Chicago, where she was christened as a baby and confirmed an African Methodist Episcopal; and, finally, at Zion Hill Baptist Church, where she experienced baptism by immersion under the leadership of Rev. E. W. Williamson, Sr. The interdenominational nature of her church experience provided the researcher with an understanding of the different church polities early in her Christian walk, lessening narrow or parochial tendencies and heightening the advantages to worship God in spirit and truth with minimal regard to human-created denominational barriers.

The legal training of the researcher provides this project with a clear

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[4] Jeremiah 1:1-3 KJV

understanding of the mind and spirit of a pharisee or Sadducee. The legal training was provided in a Jewish-controlled and administered law school. One required course for graduation provided every student, including this researcher, with a clear understanding of the differences between Roman legal systems and beliefs and the Hebrew legal system and beliefs. This course, legal systems provided the researcher with a very strong connection between the law and religion in terms of their mutual roots and philosophies.

The final elements of the spiritual identity of the researcher for this project are found in her call and ordination to ministry. The call of a woman who had already experienced the sexism and racism in the legal system both directly and indirectly is almost paradoxical. One must think of questioning God's intent and purpose. One must wonder why God would choose to call and ordain a criminal trial lawyer, this person trained to challenge the very essence of God's law and God's representatives. What unique gifts and talents does a trial advocate offer to the ministry?

God's divine purpose begins to unfold with perfect clarity when we watch and remember the attacks against church leaders, church bodies and church doctrine. The decade of the 90's is filled with cases, lawsuits, legal opinions, bills and laws at every level of government seeking to restrain, contain, regulate and almost obliterate the presence and power of the Christian church in America. The indictment, arrest and incarceration of leading Black preachers has aided in the unrivaled silence from the African-American church leadership. The

continual court fights and litigation costs and damaging public discussion of legal disputes have rendered many members of African-American clergy almost ineffective. Thus, God, in his infinite wisdom began to shape the idea of an advocate for the members of the Black church who would fight without regard to personal financial gain and with a persistence equal to the "friend knocking at midnight."[5] Therefore God called into service this researcher, from the bowels of the movement, stationed at Operation PUSH, trained to negotiate with moral authority, to challenge the laws of the land in relation to God's law for man. God caused a trouble in the very soul of this researcher which would not and did not subside until the trial sermon was preached before a crowded assembly of witnesses assembled at God's direction at the Fellowship MB Church by Rev. Clay Evans. In the presence of an interdenominational cadre of pastors and preachers from each of the major faith traditions of African-American Christians this woman preached "A Day With Jesus."

God did not want to rush from the calling to ordination. God chose to allow a three-year period of seasoning, preaching, study and prayer before presenting his new candidate to the community of faith leaders. The ordination was set for September 19, 1997, with four other persons, two other women and two other men. This researcher was the second woman to be licensed by Rev. Clay Evans, the first preacher in her family, and one of a few African-American

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[5] Luke KJV

preacher attorneys in America. The date for the ordination was set, but only a few of the local African-American Baptist preachers agreed to serve on the ordination council because women were being ordained. Thus, a national, interdenominational panel was convened; Dr. Wyatt Tee Walker served as the catchier, Rev. Dr. DeWitt Smith, Jr., presented the gifts, Rev. Franklin W. Richardson preached the ordination sermon, Rev. Otis Moss Jr. issued the charge, Rev. Clay Evans served as host pastor. Also present was a group of local persons including: Rev. Addie Wyatt (Church of God), Dr. Harry Griffin (United Church of Christ), Rev. Willie T. Barrow (Church of God), Rev. Henry Hardy (Community Church), Rev. Carlton Davis, Rev. A. E. Davis Jr., Dr. Charles Smith (COGIC) and a number of other pastors. This researcher stood before God and 1000 witnesses to indicate the nature and extent of her calling and walk with God.

This spiritual background of the researcher provides the framework of experience and training which certifies this researcher as capable of implementing this particular model in ministry as part of her calling to fulfill. A key focus of this model in ministry is to develop a manual which shows the church how to comply with the "rendering unto Caesar" and not be guilty of violating the biblical mandates of its mission continuing rules and regulations which meet legal requirements and, yet, are consistent with the mandates of God. We have learned that many Baptist churches and similar congregational style churches do not use operating bylaws and rules because the leadership of

these churches sees these traditional documents as contrary to the Bible.

CONTEXT OF MINISTRY

The Dilemma: God's Law and Man's Law - can the two coexist in the Christian World?

Can you imagine what our society would be like if teachers were allowed to simply enter schools when they were opened and after orientation provided no structured and specific requirements or training for the students when they appeared for class? What would happen if the teachers in our secular elementary or high schools or colleges were allowed to teach merely because they were available or "called," without any training in the relationship between the school and the governmental bodies that regulate the behavior of students, teachers and administrators? Or, visualize secular education in which the students are promoted based upon age and not aptitude. What would our society be like if students were allowed to read words without understanding? Why do we provide better training for the secular leaders rather than for those who would lead or govern the members of the Body of Christ?

According to Nelson's Bible Dictionary, education is the "transfer of knowledge, morals, and attitudes from one person to another, and usually from one generation to the next. In biblical times, education did not follow the pattern with which we are now familiar." For the Hebrews, the goal of education

was to prepare man to know God and to live peacefully among men.[6]

SETTING OF MINISTRY

The Christian community of the Chicago metropolitan area is my model because it has all of the operative characteristics of Miseducation of the African-American Christian minister and church officer that we find in the majority of our cities. The demographic make-up of Chicago is typical of the demographics we find in most urban African-American Christian communities.

We live in times where the walls of our faith are broken down and the places of entry into our hearts and minds are burned. The statistical report that we have received indicates that one-third of our children are living at or below the poverty level and more than seventy-five percent (75%) do not attend any formal or informal Christian education classes, nor are they required to demonstrate biblical proficiency by parents before they reach age 18. More than sixty percent (60%) of all males incarcerated in most state institutions are African-American. A third of African-American men are incarcerated, wearing ankle bracelets, or are on probation, and less than one-third of all African-American males are active participants in religious worship services and/or programs. Sixty percent (60%) of our children are born to single teenage mothers who do not have a relationship with God or with any fellowship of

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[6] Luke 2:52 KJV

believers.[7] The walls of faith are broken down. The minds of our children have been burned beyond human repair as a result of drug addiction and as a result of watching more negative media images by age 18 than spending hours in any form of religious worship, prayer or Christian educational setting.

These statistics have created an atmosphere in which the Christian church is disrespected or ignored; thus, there is a greater desire to sue or utilize legal means to attack the officers or leaders in the church. The churches that seem to be most vulnerable are those where there is no structure to provide some protection or insulation against the lawsuits or personal legal scrutiny perpetrated by members of the general public. The Catholic priests, bishops and local parishes have some immediate insulation to legal challenges because of their almost impenetrable organizational structure and hierarchy. The Black Baptists, Church of God in Christ and other congregational bodies are extremely vulnerable to legal challenges.

FRAMEWORK FOR MINISTRY (SKELETAL OUTLINE OF THE CONTEXT)

The skeletal framework of this ministry is to rebuild the Body of Christ by rebuilding the legal framework within that body.

We must work to implement legal education and training in every seminary, local congregation, church organization and denominational

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[7] U. S. Department of Census.

meeting and conference. Legal Christian Education, like the rebuilding of walls, must be initiated where the Christian leader can be found.

CHAPTER 2

ANALYSIS OF THE LAW AND THE CHRISTIAN LITERATURE AS THEY RELATE TO THE AFRICAN-AMERICAN CHURCH

> Wherefore then serveth the law? It was added because of transgressions, till the see should come in whom the promise was made; and it was ordained by the angels in the hand of a mediator... Is the law against the promises of God? God forbid: for if there had been a law given which could have given life, verify righteousness should have been by the law.[1]

In this passage of scripture the apostle Paul writes about the church being asleep when the church of Jesus should be on guard duty. The Black church is engaged in a major legal fight for survival, but our failure to act decisively suggests that we are asleep or unaware that we are under attack. The Black church needs to be armed with tools to enable it to be prepared to defend against the legal attack on the church. A survey of literature in this area reveals that there is no book written by an African-American Christian minister-lawyer that presents the secular-sacred relationship in lay terms for use by the African-American church leader. African-American Christians are challenged to establish a legal counterculture that sets itself alongside its secular counterpart and publishes openly its belief in the Word of God as supreme law and causes the secular individual to reshape this legal thought and actions. Few scholars have worked on combining the law and the Word of God to focus

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[1] Galatians 3: 19,21 KJV

on the proper relationship between God and law that will allow the members of the local congregations to live in their faith while operating, knowingly, under the law.

The literature search conducted as a part of this study revealed that there are a few books by non African-Americans that provide a background for religious leaders and lawyers on secular law as it applies to the church. Data of this sort that is available tend to cover church administration, the church's relationship to the government and to resolving disputes or providing counsel to church membership. The books and publications about church law are limited primarily to a lawyer's analysis of cases and lawsuits filed by or against churches.

The key textbook on church and government is Pastor Church & The Law written by Attorney Richard Hammer. Richard Hammer said he wrote the book after he was asked to teach a course on church law at a local seminary. Hammer's book was the first such book written in 50 years.[2] Hammer's text provides the church lawyer and legally trained pastor with a reference book on the statutes and the court's interpretation of the statutes which define the conduct expected of church leadership and corporate church bodies. The materials contained in the book by Hammer are quite comprehensive, but are not presented in a manner that is user-friendly for the typical lay pastor, minister or church officer. Hammer's book can serve as a manual for churches and

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[2] Richard Hammer, *Pastor, Church and the Law.* (Mathews: , 1991).

others who are involved in litigation but will not offer churches the assistance needed to reach compliance. [3]

There are a number of other books which provide some analysis of legal issues and their impact on the church and its leadership. The publication entitled Tell It To the Church by Lynn R. Buzzard and Laurence Eck, argue that there is a rising number of unresolved legal dilemmas that exist in our society. It suggests the need for a biblical ministry of conflict resolution and reconciliation as a mandated alternative to litigation. Buzzard and Eck provide a strong biblical framework for this argument. They ground their view on Matthew 18:15-17, which according to the authors suggests "that even in our conflicts we should implement our fellowship and maintain the witness and unity of the church"[4]. Tell It To the Church provides a study guide in the appendix which is designed for use by churches in training their members to utilize the reconciliation process.

Robert L. Saucy's book The Church in God's Program, is used as a text by two local Chicago-based seminaries, McCormick Theological Seminary and Trinity Evangelical Seminary. Saucy provides a very cursory presentation of certain narrow legal principles. This book gives the reader a short chapter on the

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[3] Ibid., introduction .

[7] Lynn Buzzard and Laurence Eck. *Tell It To the Church.* (Elgin: David C. Cook Publishing, Co., 1982), 22.

organization of the church. Although this book is written for use in seminary, it reveals little about legal compliance for churches. In fact, there are no handbooks written in language comprehensible to the non-lawyer which explains the biblical context of the laws which regulate and seek to administer justice for churches and church members. [5]

Many texts that are routinely used by majority congregations like The Naked Public Square , [6] are not familiar nor are they recommended to members of the traditional African American Religious denominations. Naked Public Square records and documents how faith and religion have been sanctified from discourse of public domain to encourage people of faith to make public policy decisions and to engage in public policy debates. [7] The tragedy is that this book and others like it are not widely promoted or visible within the African-American church community.

A recent book which is written in a manner that is more tailored in the tradition and language of the Black church is We have this Ministry by Dr. Samuel DeWitt Proctor and Dr. Gardner C. Taylor. This book challenges the Black church to move from inside the church walls to "the naked public square" if one will and

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[5] Ibid., 30.

[6] Robert L. Saucy, *The Church in God's Program.* (Chicago: Moody Press, 1970), 90.

[7] Op.cit, Buzzard, 31.

do ministry. This concept is one that challenges the church to debate and lobby for the public policy and social justice concerns continually raised by Rev. Jesse L. Jackson. We cite this reference here because it challenges the Black church to move outside of its walls of security to the community which automatically means that the Black church will move to a visible and vulnerable legal position.[8]

The following books were also reviewed during our search for texts that have been used by seminaries, religious organizations who have a significant number of African-American students or members. The following texts were identified but, there appears to be little use or knowledge of them by the African-American church leadership of the historical African-American church leadership. The following titles were of tremendous value in developing the curriculum and syllabus for the recommended seminars, seminary courses and workshops for African-American church leaders. The following annotated bibliography represents the recommended readings and materials for use when this model in ministry is fully implemented by seminaries, African-American church conventions and local district and state religious associations:

> The Lawgiver: A Study of Biblical Jurisprudence by Gerald R. Thompson Resolutions of Disputes Between Christians by Cassity C. Red is a manual for lawyers and others who want to use the conciliation service. It outlines

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[8] Proctor, Samuel DeWitt Dr., and Taylor, Gardner C., *We Have This Ministry*: The Heart of the Pastor's Vocation. (Valley Forge: Judson Press, 1996).

congregations.

Biblical Conflict Resolution by Gerold von Pahlen-Fedorroff, is a survey and explication of biblical text, related to major aspects of conflict resolution such as forgiveness, restitution, conflicts among believers and unbelievers, and conflicts with the state.

Beyond the Courtroom by Benedict S Alder, and Lawrence T. Nichols, surveys new community modes of justice (other than the adversary system) that have their foundation in healing, reconciliation, and restitution. This publication concentrates primarily on new programs in criminal justice by focusing on issues such as assistance and compensation to victims, arbitration and mediation, and a variety of informal and community court models in the United States and other countries.

Injustice for All: How our Adversary System of Law Victimizes Us and Subverts Justice by Ann Strick, is a powerful indictment of the legal adversarial system in the United States. Although it is not written from a Christian viewpoint, the book provides evidence for a new approach to legal conflict based on Biblical principles.

At the Heart of the Whirlwind by John P. Adams is a close-up view of nationally known conflicts by a Methodist minister who was used as a mediator. The author lays back the cover to controversies such as Martin Luther King, Jr.'s assassination, Kent State, Wounded Knee, and the 1971 Miami Beach political convention. He tells what strategies were used in resolution of the conflicts.

When You Don't Agree by James G. T. Fairfield is a manual on how to handle conflicts without straining relationships. This text would be useful as a training manual for any Christian mediator or arbitrator. Included in the texts are chapters on common conflict skills, confronting the problem, and setting new conflict patterns.

The Miracle of Dialogue by Reuel Howe discusses and analyzes dialogue as an essential ingredient in all conflict resolution. The author sees it as the principle of effective communication between the parties in dispute. As he concludes, "The fruit of dialogue is the reunion of man with himself, with others, and with God."

Repairing the Breach: Ministering in Community Conflict by Ron Kraybill is a concise book designed to help the peacemaker explain, in concrete

terms, what he or she aims to do so that the confidence of the parties will not be lost before the task is done. It is an attempt, using actual cases and illustrations of the Mennonite Conciliation Service, to bring conflict resolution within the realm of the possible for the nonexpert.

Faith Under Fire: Biblical Interpretations of Suffering by Daniel J. Simundson suggests fresh ways for the resources of the Scripture to be used during times of crisis resulting from legal conflict. The book discusses the basic biblical view of suffering, suffering for others, Job and the Counselors, and how to give comfort and hope to those who are suffering.

Caring Enough to Forgive by David Augsburger discusses and analyzes the differences between true and false forgiveness in more depth than any other source. The issue of forgiveness is one that arises in any legal dispute between Christians. This book is highly recommended to the peacemaker.

Guilt and Forgiveness by William G. Justice provides a biblically- based solution for anyone struggling with a sense of guilt. The author, writing in the manner of courtroom drama, shows the natural destructiveness of sin and man's need for atonement and reconciliation.

The Trial of Jesus by Walter M. Chandler is an exhaustive treatise of the trials of Jesus. It is useful to the peacemaker in that it clearly demonstrates the rights which Jesus laid down and the pains suffered so that we might be reconciled to God the Father. This provides pastors a Biblical understanding of the real trial and courtroom process using the trial of Jesus as a backdrop.

Great Church Fights by Leslie B. Flynn verifies that the problems causing legal disputes and divisions today are not different from those in the New Testament churches. Many of the New Testament controversies are presented to show Christians how to face problems of conflict between church members today.

The research conducted during the seminars and sessions held with participants who completed the questionnaires indicates that there are only two manuals used regularly by members of the Black church for training of trustees,

stewards and deacons . The works are entitled The Work of the Church Trustee by Orlando L. Tibbetts and The Work of the Dean and the Deaconess by Harold Nichols. Neither publication discusses the legal implications of these positions[9]. The use of these manuals is widespread in the Black Baptist and other congregational denominations in training workshops at the local church level and at the national church level. Both publications speak from the personal experiences of a deacon and a trustee; yet in both cases there is no indication that either received any training with respect to the legal responsibilities and requirements associated with his/her position. It is particularly interesting that the text for trustees excludes any reference to the law since the law recognizes the office of trustee as the legal agent for the administration of the church's business affairs in the absence of other directions provided in the church bylaws.

The primary analysis of the law and Christian literature was done with actual court cases involving churches, church leaders and/or church members. A review of the cases filed and reported in the appellate courts or in the United States Supreme Court focuses in large measure on issues involving First Amendment rights of separation of church and state in matters involving public schools or public education. The next largest body of litigation published in the courts involves the church property disputes and pastors and violations of the

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[9] Tibbetts, Orlando L., *The Work of the Church Trustee*. (Valley Forge: Nation Press, 1973), 24 .

Internal Revenue Code. The literature search conducted in this project included a web site search of West Law, a familiar legal publishing company, for all cases filed by, against or on behalf of churches, religious organizations and clergy in the courts in the northern district of Illinois. The United States Supreme Court; and the *Chicago Daily Law Bulletin*. The search results included a listing of opinions published in the West Law case reporting system. A review of the court files described herein suggests that there is a growing body of litigation involving matters of counseling of minors and family issues where pastors are now being sued by unhappy couples or parents of children who were counseled.[10]

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[10] WestLaw, Law Bulletin Court Files-Circuit Court of Cook County, 1997.

CHAPTER 3

BIBLICAL/LEGAL FOUNDATIONS

The connection between the law and the church is drawn from the historical development as recorded in the Bible. The evolution of the Christian church from the theocracy through the periods of tribal forms of association to the New Testament church of today gives some insight into the lack of legal compliance by Black Christian churches. The following is a brief overview of the interactions between the people of God and the government during critical periods of biblical history. As we look at the development of the relationships, we automatically become familiar with the growing tensions between the sacred and the secular.

Several major approaches to the study of ancient Israelite society can be employed to give further analysis of the evolution of the sacred and the secular dichotomy. Using revised versions of the theories of Weber and Marx, some scholars have analyzed Israel's social structure in the period of the judges and have given coherent descriptions of the changes that occurred when Israel made the transition from being a tribal society to being a monarchical state. Others have collected the detailed studies of individual societies provided by social anthropologists and have then used this comparative material to study the nature and function of particular religious and social phenomena in ancient

Israel.[1]

ANCIENT FORM OF GOVERNMENT AND THE PEOPLE OF GOD

Social and political authority in a lineage is vested in the lineage head, the oldest living member of the lineage and the person from whom all of the remaining members are descended. In small lineages, such as the nuclear or extended family, this person is capable of enforcing lineage decisions and maintaining social unity. In larger lineages, however, the lineage head named in the lineage genealogy is likely to be no longer living, and no one person can exercise authority in the lineage. This means that disputes must be settled by negotiations between the living heads of the smaller constituent lineages.[2]

Israelite society was organized as a hierarchical lineage system as early as the period of the Judges (twelfth century B.C.).[3] The frequent use of branched genealogies in Genesis suggests that Israel's ancestors were similarly organized.[4]

The line between lineage-based society and monarchical state was finally crossed decisively with the election of Saul as Israel's ruler, but the change did not take place without considerable opposition from some of the lineages,

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1 Logos Bible Software Level 2.0

2 Ibid., Level 2.0; Harper's Bible Dictionary

3 Joshua 7 KJV

4 Genesis 22:20-24; 25:12-16; 35:22-26; 36:1-43; 46:8-27 KJV

which feared the loss of their political power. As a prophet, Samuel gave divine legitimation to the idea of an extremely limited monarchy, and he sought to retain control over Israelite worship, to prevent the establishment of a principle of dynastic succession, and to ensure Saul's continued dependence on the lineage.[5]

Given the hierarchical organization of the state, however, the growing economy primarily benefitted those at the top of the social structure, such as merchants and government officials. Those in the lower classes became the victims of the system, losing income and often hereditary land. This situation was condemned by the prophets Amos and Hosea, who saw economic oppression as a symptom of a greater religious illness.[6]

Second, with the monarchical form of government destroyed by the Babylonians, the older lineage system seems to have reasserted itself, at least at the levels of the[7] extended family and the nuclear family.

The intergroup conflicts that began in the Exile became more serious when the Persian government actually allowed the exiles had to return (sixth-fifth

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6 Daniel

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centuries B.C.).[8] Issues that were previously theoretical then became real and the exiles had to decide how the new government would be structured and how the new Temple would be built.

CHURCH AND STATE

Church and state were united as one in the theocratic period. The legislative, judicial, and administrative functions of Moses, Joshua, the Judges and Samuel as shown in the books Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges and Samuel provide evidence that civil and ecclesiastical functions are united.

ECCLESIASTICAL POWER SUPERIOR TO CIVIL

The Old Testament God appoints kings,[9] directs administration,[10] reproved rulers.[11] Attempted usurpation of ecclesiastical functions by civil authorities was reproved.[12]

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[8] Daniel

[9] 1 Samuel 10:1 KJV

[10] 1 Samuel 15:1-4 KJV

[11] 1 Samuel 15:14-35 KJV

[12] 1 Samuel 13:8-14; 2 Chronicles 26:16-21 KJV

STATE SUPERIOR TO THE CHURCH

David proved the Old Testament belief that the State was superior to the church in organizing the priests and Levites into courses, and appointing musicians, instruments and other details of religious services.[13] Solomon further demonstrated this belief in thrusting Abiathar out of the high priest's office,[14] in overshadowing the ecclesiastical by building the temple and officiating in the dedication. Hezekiah, a king, reorganizes temple service, [15] and Jeroboam both act as a covenant agent showing the government as superior to the Church. in subverting the Jewish religion.[16] Manasseh, in subverting, and afterward restoring, the true religion.[17] Jehoash, in supervising the repairs of the temple.[18] Ahaz, in transforming the altars[19], Josiah, in exercising the function of

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[13] 1 Chronicles 23; 24; 25; 2 Chronicles 35:4 KJV

[14] 1 King 2:26-27 KJV

[15] 2 Chronicles 31:2-19 KJV

[16] 1 King 12:26-33 KJV

[17] 2 Chronicles 33:2-9, 15-17

[18] 2 King 12:4-18 KJV

[19] 2 King 16:10-16 KJV

the priests in the temple.[20]

STATE FAVORABLE TO THE CHURCH

By the time of Persian King Cyrus, in his proclamation to restore the temple at Jerusalem.[21] Darius, in his edict furthering the restoration of the temple.[22]

OLD TESTAMENT VIEWS OF CHURCH AND GOVERNMENT

During the biblical times, the people of God lived under various forms of government. Moses created a form of government which organized the people into a theocracy (the rule of God, Theos; kratos, power, rule). This type of government is set forth by divine revelation.[23] This form of government called theocracy established God as the primary ruler over a nation that was to be holy and a kingdom of priests. This rule of God was implemented through the agency of a human judge or king. The concept of this form of government meant that the people of God were living and operating separate from the rest of the world. After the children of God moved into possession of the land of

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[20] 2 Chronicles 34-29-33 KJV.

[21] 2 Chronicles 36:22-23; Ezekiel 1:1-11 KJV.

[22] Ezekiel 6:1-14 KJV.

[23] Exodus 19:5-6 KJV.

Canaan, the people felt they needed a central organization and in the minds of the people then, this meant they needed a king. [24] The movement of the people of God into exile and oppression caused them to be subject to a number of leaders like Persia, where Judea was reconstituted as a temple-state, with the high priest as its head. The Persian king was represented by a provincial governor, who might occasionally be a Jew (e.g., Nehemiah). This same arrangement continued under the Greek period of domination, except the leadership was in the form of a council of elders. In the theocracy, the central point was the Temple, which symbolized the dwelling place of God in the midst of his people. The church is defined by the Old Testament writers as the Tao owned by God and Theos, the body of God. The Old Testament understanding of church viewed God using the church as spiritual entity [25].

NEW TESTAMENT VIEWS OF THE CHURCH AND GOVERNMENT

The New Testament concept of church as explained by the Apostle Paul creates a structure where God is the Chairman of the Board of the church body and there is a prophet/pastor that reports to the chairman through vision, revelation of the Word of God. Thus, the pastor, elder, bishop becomes God's delegate of earthly authority of the members of the Body of Christ. The

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[24] 1 Samuel 8:7 KJV

[25] Jeremiah 3:15 KJV

concept of pastor is defined throughout the scripture as "shepherd".[26] The responsibility of pastors as shepherds breeds accountability to God. The pastor, as chief operating executive of the church corporation, has the duty to carry out the will of the board of directors of the church which is comprised of three persons, God the Father, God the Son, and God the Holy Spirit.

The New Testament provides no detailed code of regulations for the government of the church. The very idea of such a code might seem repugnant to the liberty of the gospel dispensation. The Disciples were promised a specific function as judges and rulers of God's people [27] with power to bind and to loose,[28] to remit and to retain sins.[29] Such language gave rise to the conception of the keys, traditionally defined in both medieval and Reformed theology as: (a) the key of doctrine, to teach what conduct is forbidden and what is permitted (this is the technical meaning of binding and loosing in Jewish legal phraseology), and (b) the key of discipline, to exclude and excommunicate the unworthy, and to admit and reconcile the contrite, by declaring or praying for God's forgiveness through the remission of sins in Christ

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[26] Ezekiel 3; 33 KJV

[27] Matthew 19:28; Luke 22:29-30 KJV

[28] Matthew 18:18 KJV

[29] John 20:23 KJV

alone.

The first legal action by the disciples, immediately after Christ's ascension, was to fill the vacancy left by the defection of Judas, and this they did by means of a direct appeal to God. [30] Others were later reckoned in the number of apostles,[31] but the qualifications of being an eyewitness of the resurrection,[32] and of having been in some way personally commissioned by Christ [33] appointed seven assistants, [34] elected by the people and ordained by the apostles, to administer the church's charity. The office of the Presbyter was probably copied from the eldership for the Jewish synagogue; the church is itself called a synagogue,[35] and Jewish elders, who seem to have been ordained by imposition of hands, were responsible for maintaining the observance of God's law, with the power to excommunicate law-breakers. There is nothing in this system which corresponds exactly to the modern diocesan episcopate. Bishops

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30 Acts 1:24-26 KJV

31 1 Corinthians 9:5-6; Gal 1-19 KJV

32 Acts 1:22 KJV

33 Romans 1:1, 5 KJV

34 Acts 6:1-6 KJV

35 James. 2:2

when they are mentioned[36] formed a board of local congregational officers, and the position occupied by Timothy and Titus is that of Paul's personal lieutenants in his missionary work. It seems most likely that one elder acquired a permanent chairmanship of the board, and that he was then specially designated with the title of bishop; but even when the monarchical bishop appears in the letters of Ignatius, he is still the pastor of a single congregation.

Five general principles can be deducted from the New Testament teaching as a whole: (1) all authority is derived from Christ and exercised in his name and Spirit; (2) Christ's humility provides the pattern for Christian service;[37] (3) government is collegiate rather than hierarchical;[38] (4) teaching and ruling are closely associated functions; [39] (5) administrative assistants may be required to help the preachers of the word[40] priest, Levites, and other temple workers from taxes.[41]

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[36] Phillipians 1:1 KJV

[37] Matthew 20:26-28)

[38] Matthew 18:10; 23:8; Acts 15:28 KJV

[39] 1 Thesolonians 5:12 KJV

[40] Acts 6:2-3 KJV

[41] Ezekiel 7:24 KJV

GOVERNMENT

Kubern_sis comes from kuberna_, to guide (whence govern), denotes (a) steering pilotage; (b) metaphorically, governments or governing, said of those who act as guides in a local church[42] ¶lcp. Kubern_t_s, a pilot. [43] Similarly, the distinction that Ernst Troeltsch offered in 1912 between 'church' (established institution) and 'sect' (voluntary gathering of the like-minded, standing over against the church) has continued to influence the study of early Christianity, although his specific definition of terms has been significantly altered.

Christianity began and flourished the dehumanization by the establishment; it rejected the view of reality held by the establishment, offering love and acceptance within a voluntary community, while calling for the total commitment of its members and awaiting vindication by God in the near future. The early Christians included those who were economically marginal, those who were excluded from the religious community by reason of personal or occupational impurity, as well as those who were accepted by the establishment but discontented with it (e.g., wealthy women,[44] a ruler of a

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[42] 1 Corinthians 12:28 KJV

[43] Acts 27:11; Rev 18:17 KJV

[44] Luke 8:2-3 KJV

synagogue,[45] a tax collector,[46] a woman with a bloody flux.[47]). There was no hierarchy in this movement initially, but the community was bound by the common experience of love and acceptance, by the promise of divine reconciliation, and by the hope of renewal of God's world.

The responsibility for the Crucifixion rests on "the rules of this age".[48] Saints must not settle their disputes in civil courts, because their destiny is to ""judge the world".[49] Attention is repeatedly drawn to the rule of the "only Sovereign, the King of Kings",[50] and the citizenship of the republic that transcends all the barriers of earthly states.[51] The demonic powers, (archai or exousiai) over whom Christ

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45 Mark 5:22 KJV

46 Matthew 9:9 KJV

47 Mark 5:25-34 KJV

48 1 Corinthians 2:8 KJV

49 1 Corinthians 6:2

50 1 Timothy 6:15 KJV

51 Ephesians 2:19 KJV

has triumphed[52] and with whom we now struggle[53], may well be conceived of as the forces behind human government. This is certainly the theme taken up in detail in the Revelation, which envisages a struggle for world government between God and satanic powers. The allusions to the ruler cult[54] seem sufficiently plan to identify the enemy as the Roman Caesars. We know from Pliny that attempts to induce Christians to escape condemnation by making the formal offering to the ruler met with incorrigible obstinacy.

CHURCH AND PROPERTY

The land was largely partitioned among a number of republication states (e.g., Caesarea and the cities of the Decapolis). The less tractable areas (e.g. Galilee) were entrusted to Herodian prices, while Jerusalem itself and its neighborhood were under the Sanhedrin, a counsel drawn from the religious aristocracy. The whole complex of governments was supervised in the interest of Roman frontier security by the Caesars, acting at different stages either through a Herodian client king or through a personal deputy, the prefect or procurator.

Jesus was inextricably involved in this confusion of government. He was

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52 Colossians 2:15 KJV

53 Ephesians 6:12 KJV

54 Revelations 13:15 KJV

attached at birth[55] as a threat to Herod's throne, and denounced in death as a pretender to royal power.[56]

THE CHURCH IN JERUSALEM

After the resurrection, the disciples were again instructed in the nature of the kingdom.[57] Their view of it was still narrowly political, however,[58] and even after the ascension the preaching of Jesus' exaltation at God's right hand[59] was capable of political overtones,[60] and certainly taken as politically provocative by the Sanhedrin.[61] The apostles defied a court order restraining their preaching on the grounds of their prior duty to God.[62] The prosecution of Peter and James[63]

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55 Matthew 2:16

56 John 19:21

57 Acts 1:3

58 Acts 1:6

59 Acts 2:32-36

60 Acts 5:31

61 Acts 5:33

62 Acts 5:29

63 Acts 12:2-3

may have been political, but in the cases of Stephen[64] and Paul[65] the offenses were religious, and reflect the transformation of the Nazarenes into a regular sect of the Jewish religion, differentiated perhaps chiefly by the added sanction that the kingship of Jesus had lent to the law.[66]

THE HELLENISTIC STATES

All the places outside Palestine where churches were established were, along with Rome itself, republican states, either satellites of the Romans or actual Roman colonies. Christians might thus become involved either with the local administration[67] or with the superintendent Roman governors.[68] The tendency to refer difficult cases to the Roman authority, however, meant that the attitude of that government became the major concern.

SUPPORT FOR THE GOVERNMENT

During the Old Testament period, the people of God lived under various types of governments as described above. Because the children of Israel were

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64 Acts 6:11

65 Acts 21:28

66 James 2:5,8

67 Acts 16:19-21; 17:6, 22

68 Acts 13:7; 18:12

unable to accept the notion of theocracy, God permitted the biblical personalities to select kings and rulers similar to their unbelieving neighbors. In a case where Christians were accused of direct opposition to the Caesars [69] was fobbed off by the authorities responsible. In all other known cases, the charges were not political, and the various governments showed a reluctance to pursue them. Pharisee is from an Aramaic word *Pharisee* (found in Daniel 5:28), signifying to separate, owing to a different manner of life from that of the general public. [70] The later division of Jews into two parties of Pharisees and Sadducees represents a tendency in early Bible history of this separation of Christian life from that of the general public. The early goal is the underlying goal in 1997, which is to expand the Christian view of life and encourage Christians to share in the advantages of secular life and culture. In biblical times, it was designed to encourage Jewish Christians to share in the Greek life and culture. This New Testament church was not a perfect body. In the Book of 1 Corinthians, Paul is faced with a number of legal issues that arise within the church: a man who has committed incest[71] believers take one another to

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[69] Acts 17:7

[70] 5 Harpers Bible Dictionary

[71] 1 Corinthians 5:1

court[72] and one threatened to split the church. Throughout this period of time, the church was a small body in the midst of what was regarded as a hostile world.

Bishops are mediators and overseers as described by Acts, chapter 13. The bishops then are called to mediate church disputes with the under shepherd (pastor) and the local congregants. The deacons, as defined by Acts 6, are to provide for the welfare and care of the poor, the needy, etc. According to the book of Acts, deacons are men of good report, filled with the Holy Spirit and certified by the Holy Spirit.

This background gives us the basis for the structure of the modern church. These biblical realities suggest that there has always been a struggle for the church to comply with the secular demands of government. Today's African-American church officer and pastor are faced with the dilemma of teaching and preaching the word of God in an environment that requires them to knowingly and intentionally develop church rules and methods of governance that are permissible in the legal environment that are not concerned with the nuances of the Christian faith. Superimposed are sacred ordinances of the church which are the secular laws and create unresolved tensions. This project provides pastors, church officers and church lawyers with a legal guidepost which assists the church leadership in reaching legal compliance. This will

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[72] 1 Corinthians 6:1-11

protect the church from its ultimate demise. These legal guideposts will fill a critical need in the African-American religious community because there is a dearth of knowledge regarding the legal issues and the resources available to assist them in reaching solutions. The training manual of legal procedures resulting from this project are essential for the continued viability of the Black church. (See Appendix B, legal manual.)

The church is under legal attack at every level. The new buzz word on the Christian walkway is "When in doubt, sue!" Pastors, church members, church officers, denominations are being sued for every difference of opinion because we have lost many of the historical social structures in our community (i.e., extended family, neighborhood groups) which managed many of these interpersonal conflicts that now find themselves before a court seeking a resolution.[73] Harold Berman, the noted Harvard law professor, writes in the Interaction of Law and Religion that western man is undergoing an "integrity crisis."

It is important that the African-American minister, pastor and church leader be informed on the relationship between secular law and biblical mandates. This project provides Christian lawyers and ministers with a manual on systematic law and religion. The manual provides legal information in an organized and coherent style that lawyers will admire and clergy can

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understand. The approach is like a rope with three strands. One strand deals with the biblical basis for all laws and regulations of the church. The second strand is the community; we are social creatures and as Christians, in and of the church, a community of faith. The third element deals with the basis of Christianity, the power of the Christian faith. This paper links the Bible's references to principalities and powers and the association, friendships and partnerships of pastor, church and the law. It is an examination of Biblical principles of debtor, forgiveness, redemption, property, ethics, reconciliation, relationships, family, etc., as they relate to the legal principle of property matters, dispute resolution, organization and structure, counseling, harassment, abuse, etc.

THE LAW

The word law comes from the word Nomos which means that which is assigned; hence, usage, custom, and then law, law prescribed by custom or by statute. The word ethos, custom, was retained to define unwritten laws, while nomos became the established name for law as decreed by a state and set up as the standard for the administration of justice.[74]

This project examined the biblical passages which provide us with the biblical ministry to undergird the legal requirements dictated by the American society on the church as a religious entity. The biblical scriptures identify the

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[74] Romans 2:12-13 KJV

biblical context for addressing legal issues raised by church member interactions in the following areas representing the majority of litigation involving church leaders:

CONFLICT RESOLUTION

> Moreover, if thy brother shall trespass against thee, go and tell him his fault between them and him alone; if he shall hear thee, thou has gained thy brother. But if he will not hear the word, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it to the Church, but if he neglect to hear the church, let him be unto thee as an heathen man and a publican.[75]

This passage requires a three-step process for addressing situations when a person feels that he/she has been violated by another. The manual seeks to provide an analysis of this scripture from a legal perspective suggesting what churches can do to minimize and perhaps avoid litigation as a primary method of dispute resolution.

COUNSELING

This project investigated the relationship between the Biblical Love Thy Neighbor "doctrine as the premise for social relationships".[76] The passages 1 John 2:9-11, 1 Peter 1:22, 4:8-10 are used as the basis for our study and

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[75] Matthew 18:

[76]

discussion.

RENDERING UNTO CAESAR

Christians have citizenship in the world. [77] Genesis 17:6 and Nehemiah 5:1-18 were used as the ministry of giving. Public policy and social justice were examined from the biblical mandate found in Micah[78] 2:1-7 and Amos 1:3- 16.

The issues of racial prejudice is highlighted in Acts 10:28-35 and the fact that chaos exists without social order is described in the book of Deuteronomy 4:1-18. We will also examine how God expresses his will through moral limits just as the law provides legal limits on individual and corporate social behavior and responsibility. [79]

CHURCH ORGANIZATION AND ADMINISTRATION

The concept that both church and state have claims on Christians was examined and discussed in Romans. [80]

SUBSTANCE ABUSE AFFECTS RELATIONSHIP

The legal mandates were examined regarding drug abuse, alcohol

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abuse and the legal issues associated with counseling persons so affected from the Biblical principle outlined in Leviticus. [81]

PASTOR-CHURCH RELATIONSHIPS

Pastor and church relationships were reviewed using Biblical principles. Rights and privileges of pastors were discussed from a theological framework found in rights. Property rights were viewed from the principle that God expects stewardship of property.[82]

SIMILARITY BETWEEN BIBLICAL JUDICIAL SYSTEM AND TODAY'S JUDICIAL SYSTEM

Old Testament courts of justice derived their authority from God.[83] The first superior court consisted of priests and Levites and was presided over by the governor or high priest. This court decided all appeals and difficult cases and its decisions like, those of The Supreme Court of the United States and the individual state supreme courts, were conclusive.[84] Inferior courts were located in all cities, similar to the Cook County Circuit Court, with judges appointed by the governor.

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89 Romans 113:1-7 KJV

81 Leviticus 10:9 KJV

82 Proverbs 3: KJV

83 Romans 13:1-5 KJV

84 Deuteronomy 17:1-10 KJV

These inferior courts decided all minor cases and made decisions relative to the transfer of property between citizens.[85]

Just as the children of God were provided with judges and court officers, we see the structure of our modern judicial system organized in the same manner. During Biblical times, the judges were called elders in the Old Testament and magistrates in the New Testament. [86] The biblical judges were mandated to judge righteously and without respect of persons, to investigate every case, not to take bribes and to judge as for God. [87]

The structure of the modern legal system is based on the biblical format for justice whether the judge sat on the judgment seat while hearing cases, examined the parties, conferred before giving judgment and pronounced the judgment of the court. Both the accused and the accusers were required to appear before the court. [88] The accused stood before the judge, was permitted to plead his own cause, was permitted to have advocates, was examined on oath and required the testimony of two or more witnesses. Judgment was not rendered until the accused had been heard. The

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86 Deuteronomy 25:7 and Luke 12:58 KJV

87 61 Exodus 23:3-6; Leviticus 19:15 KJV

88 Acts 5:34-40; Exodus 18:13; Luke 23:24 and Deuteronomy 25:1 KJV

proceedings were recorded in writing.[89] There is no work on church law that provides the pastor and church officer with this kind of biblical framework for the legal methods and procedures currently imposed on churches. This kind of framework for legal training for Black church officers and pastors would create a strong basis for the African-American religious leader to actively seek legal compliance because compliance would be viewed as necessary because it is biblical.

Clearly a discussion of the subject of the relationship between God and government requires one to understand the Christian's view of the nature of God, the nature of man, the nature of the church, the nature of discipleship and the necessity to witness to the unbelieving world. God certainly rules supreme, but His authority is expressed on earth through various means and various channels. For example, Israel was God's chosen people, but He expressed his authority to them through the prophet Moses[90]. This means that we must become evaluator on how well we are doing in terms of our obedience to God. If, for example, one should commit adultery, there is no way that he or she is being obedient to God and to His commandments. When we look at the nature of man and woman, though new creations in Christ, believers are still

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[89] Number 25:12; Matthew 27:11, Deuteronomy 19:19; Leviticus 5;1 and Matthew 26:63 KJV

[90] Numbers 12:6-8 KJV

affected by the Fall and by the pull of the flesh.[91] We can easily fool ourselves on many things if there is not some means of accountability to remind us when we stray from God's teachings and mandates. The church is a body that carries many implications which say that while believers must obey rulers, there are credentials for leadership.[92] Christians are called to make disciples by being an example. It is difficult to be a good Christian example if the church leader, pastor or officer claims a "divine right" to be above the law that other citizens must live by. Simply put, God commands obedience to the laws of the land as long as they do not violate His law.[93] Obedience to the law can be a powerful witness to the integrity of the Christian witness.

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[91] 2 Corinthians 5:17 and Romans 5:12-21 KJV

[92] Hebrew 13:17 and 1 Timothy 3:1-10 KJV

[93] Romans 13:1-7; 1 Peter 2:13:17 KJV

CHAPTER 4

METHODOLOGY

The purpose of this project is twofold: It offers both a new theory of the legal compliance of the Black church and provides a model of how that compliance may be implemented. The theory is predicated on three assumptions; first, that Black churches are primarily out of compliance with the law because they are unfamiliar with the legal requirements; second, that there is no systematic training provided to African-American pastors and Black church officers at seminaries or church-sponsored conventions that would encourage or promote compliance; third, that compliance by the Black church is not perceived as essential to ministry or mandated by the Word of God. Four categories emerge that theoretically inform the approach to this ministry project: (1) the experience of the writer as a Christian lawyer representing Black churches is untouchable; (2) the Black church tradition as evidenced by the case law cannot be discounted; (3) the scriptural message is important for encouraging compliance by the Black church; and (4) reasonable methods of training should be used to create compliance.

This research model is focused toward religious leaders who are interested in implementing a biblically defensible legal manual for the African-American church officer and pastor. Those who read this paper will understand that we

are not simply presenting a theory, based upon some optimistic ideology, but a true and lively story which is being experienced daily in the life of the African-American church leader. This research model opens with a case study of one who served for more than 10 years as a lawyer who represents the Black church.

CASE STUDY 1: CHURCH CLIENT OF ATTORNEY JANETTE C. WILSON

Who Am I? I am by birth an African-American female born in the segregated south of Ripley, Tennessee, a town smaller than Hennings, the home of Alex Haley, and larger than Nutbush, the site of the song by Tina Turner. My grandparents were poor, hardworking Christians who viewed God and church as the central focus of life. I am also an ordained minister.

I am faced with the problem of representing a pastor who retains my services two days before the case is set for trial in the Circuit Court of Cook County. I have been selected to represent a pastor in a challenge by the chairman of the deacon board of a small church located on the west side of Chicago. The pastor has been duly elected and serving the congregation for more than seven years without a dispute. The deacon who initiates the complaint is the same deacon who chaired the pulpit committee that selected the pastor. The church has no specifically defined by-laws or accurate membership list. The pastor is functionally illiterate with little or no education beyond the sixth year of elementary school. When we appear in court, the judge makes some fundamental inquiries which suggest the nature of the

problem which gives rise to this project. The pastor of a Baptist church located on the west side of Chicago was sued by the chairman of the deacon board and the persons who chaired the pulpit committee that recommended him as pastor. The following represents the dialogue that proceeded during the first hearing held on the case:

> First inquiry by the Court: "Reverend--- what credentials do you possess that verify your vocation as a minister?"
>
> Pastor's Response. "I was called by the Lord."
>
> The Court: "Yes, but who licensed or certified your ministry?"
>
> Pastor's Response: " I am called by God".
>
> The Court: "Counsel, please direct your client to answer the question or be subject to a charge of contempt of court."
>
> Response by Lawyer: "Judge, my client is responding to the Court within the parameters of the Baptist faith tradition which do not require certification by a governing board or seminary training as a prerequisite to becoming a pastor as with your faith tradition outlined by the Board of Rabbis."
>
> Next inquiry by the Court: "Please provide me with a copy of the latest church bylaws and members lists."
>
> Response: "Your honor, we respectfully request 30 days to obtain the *information requested."*

This case continued for more than one year with the parties meeting and arguing about membership, the pastor and the deacons locking each side out of the church building while the litigation was pending. Finally, the judge ordered a court-directed church meeting and placed the finances of the

church in an escrow account which was managed by lawyers from each side.

During the pendency of the lawsuit, the membership in the church continued to decline, the offerings and fiscal viability of the church became critical. This church happened to be on the site of the construction of the new stadium for the Chicago Bulls, which could have offered a strong unified church a number of options. The ministry and outreach of the church diminished during the pendency of this litigation.

This case is an example of the six other cases analyzed and presented in the "Field Experience" section to demonstrate the basis for use of the case study approach as one of the research methods used in this project.

Clearly the use of the case study method alone is insufficient to provide the reader with an understanding of how and why legal compliance has not been achieved by members of the African-American church community. Therefore, a series of questions were formulated by the researcher and crafted into a survey instrument that was circulated to a number of African-American pastors and ministers in the Chicago area.

The methodology for this study has been designed to look at the basis for the lack of legal compliance by African-American religious leaders and at the design of a leadership training model that trains and encourages Black church leaders to actively seek legal compliance. The theoretical questions posed by this project are: 1) whether the lack of compliance is cognitive, that is, whether the lack of compliance is based on the lack of knowledge of the law alone; 2)

whether it is behavioral; or 3) whether is it experiential, based upon beliefs and feelings on the part of the religious community.

The methodology selected seeks to implement a change theory that utilizes the principles espoused in the twelve-step church leadership development program presented by Kennon Callaghan in his book Effective Church Leadership.[1]

In this project you will find the researcher actively involved with the research in a manner similar to where a therapist and client are jointly engaged in a transformation process. The research tools utilized were more involved than simply circulating surveys and tabulating responses to a questionnaire; the tools include reports from observations, interviews, journals and notes of the researcher/lawyer and an active analysis of the cases reported in the West Law Reporter and the Chicago Daily Law Bulletin summary of Cook County Court documents involving the clergy, the church or religious leaders. It is not coincidental that the research skills employed in this project are essential to good legal training.

The data in this project is presented from the perspective of both the church lawyer and the church leader (minister, pastor, and church officer). The tools used in this method are borrowed from the quantitative research method, as well as others, documentary or philosophic methods. The interviews and the

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discussions held during the workshops scheduled with pastors and ministers in the Chicago metropolitan area become the primary research tool used herein. The data is gathered from the participants' responses to surveys, but also represents subjective data gathered from the personal journal of the researcher/lawyer/minister engaged in this project.

The responses to the questionnaires suggest that the respondents seemed to possess knowledge about the church and the law, but that the knowledge alone was not sufficient to encourage compliance. Secondly, the survey results revealed that knowledge of the law decreased in direct relationship to whether the pastor or religious leader had any seminary training. The survey did not indicate whether or not the presence of a lawyer caused them to initiate specific steps to achieve legal compliance. The survey results differed substantially between congregational and hierarchal congregations. The congregational-style denominations seemed to have less knowledge of the law and seemed less interested in compliance.

The presence of literature about the need for legal compliance and information regarding the consequences of failure to comply did not appear to be a major factor in causing the churches to comply with the law. The research tools utilized in this project are a combination of qualitative and quantitative research methods which have been combined to look at the history of the relationship between church and state or religion and the law. The approach used in this project was designed to create the ideal relationship in which the

law and Biblical studies develop in dialogue with one another. An objective of this project was to raise the level of awareness concerning legal matters and governmental regulation of ministry for the African-American pastor and church leader.

This project resulted in the creation of a legal manual for use by pastors, seminaries and church officers seeking to reach legal compliance.

The project was developed in two stages. The first phase of the project was to assess the level of legal training and understanding possessed by pastors and religious leaders about the real relationship between church and government and the level of legal compliance resulting from this knowledge. The second phase of the project was to create a framework for the study. The thesis question for this model in ministry "Is the questionable legal education of the African-American pastor or church officer of a historically African-American church engaged in urban ministry?" The answers to this question were derived from questionnaires, interviews and ethnographic analysis of actual court cases filed by or against church officers or members.

The goal of the research was to achieve a focus for a creative response to the problem faced by the African-American church leader's failure to comply or to systematically seek compliance with the secular rules and regulations which govern the behavior of the church as a body politic and its members as citizens living in their faith but under the law. One of the notions this research project sought to better understand why knowledge of legal principles alone is

an insufficient motivation for pastors and church officers to achieve legal compliance. The methods used were: questionnaire, focus groups, individual interview and analysis of actual, documented court cases in which churches, church officers or pastors were involved in litigation. The survey participants were Chicago-based ministers and church officers that were representative of the six major African-American church conferences or denominations: Church of God in Christ, Church of God, African Methodist Episcopal, Baptist and Christian Methodist Episcopal (all 6 subgroups) and Pentecostal. These groups were measured against the traditional denominations representative of the majority faith community such as: Catholic, Presbyterian and Lutheran. Additionally, interviews were held with key pastors and church officers. An ethnographic analysis of actual instances of church disputes which resulted in litigation handled or reviewed by the law firm of this researcher was conducted.

The survey method was selected because it provided information on the general attitudes and base of legal information possessed by pastors who were seminary and non-seminary trained. The survey instrument was designed by the researcher/lawyer to investigate attitudes about the law and the church and to determine whether those pastors who indicated they had legal understanding had taken the minimal steps to reach legal compliance. The survey sample was derived from a personal mailing list of the researcher containing 750 key African-American Christian ministers in the Chicagoan area. The mailing included a self- addressed response envelope.

Only a very small number of those mailed to responded with a completed survey instrument. The mailing was augmented by the circulation of the survey instrument during small cluster group workshops conducted as a part of this project. These sessions were held during the following regularly scheduled seminary classes or denominational meetings: counseling class taught by Dr. Homer Ashby at McCormick Theological Seminary; the urban ministry class taught by Dr. Michael Reynolds at Trinity Evangelical Seminary and the urban ministry class of the African-American Leadership Partnership taught by Dr. Leon Finney at McCormick Theological Seminary. Additional sessions were held in conjunction with the weekly denominational Ministers Conference of Gary, Indiana meetings of the following groups: the Lutheran Ministers Fellowship of Chicago, the Baptist Ministers' Fellowship of Gary and Vicinity, the members of the Greater New Era District Association of Chicago, the meeting of the Baptist State Convention, the Black Methodist for Church Renewal of the United Methodist Church in Chicago, the Church of God In Christ Chicago District Meeting, and the Chicago Conference of the CME Church meeting of pastors held in Chicago, Illinois. During each of the sessions, survey instruments were distributed and collected and a mini-workshop providing an overview of the legal concerns raised in the survey instrument was presented at each of the meetings.

This research project also included a review of the cases involving lawsuits by or against churches that were published in the law reporters for the

state of Illinois. The analysis of the legal cases involving church disputes is presented using an ethnographic research approach to provide a qualitative research paradigm which questions the facile transfer of tools and procedures to this study of the lessons to be learned from the history of the relationship between the pastor who has appeared in court and the pastor who has not yet been involved in a lawsuit. Since presuppositions are inevitable and our understanding of the law and its impact on the church are, in part, an attempt to identify and describe presuppositions about the law, it would be naive to claim that what may be perceived as excessive legal theory that rejects all input from the law. Rather, it seems that the proper attitude should be analogous to that described in relation to historical criticism or the social sciences. The law must be regarded as a source of conceptual tools enabling the pastor or church officer to gain a more adequate understanding of the meaning of legal requirements. But, here again, a balance must be struck between church and government, lest the research tools begin to generate their own independent meaning. The law, in other words, should not become a resource for illustrating the tenets of a given governmental system against the church. On the other hand, legal concepts should be viewed by the researcher as legitimate aids in the task of clarifying the intrinsic meaning of the of American judicial system and the biblical mandates regarding Christian behavior.

The use of reported legal cases provides this research model with a historical character of legal biblical analysis of the legal needs of the African-

American faith community allow us to see the law within the context of the Bible as a model for the faithful life that exists in spite of social and societal pressures. Basic to this research model is the pattern of divine initiative and human response and community experience to which the faithful are forced to give action.

CHAPTER 5

FIELD EXPERIENCE

The field experience was conducted in four phases. The first phase of the field experience was an exhaustive search of legal cases in Illinois incoming church disputes in the following seven areas : church administration, church property, church pastor relationships, counseling, tax matters, employer relationships, contractual matters, the church and law in conflict as it relates to ? Within this research approach, the wide diversity of legal traditions found in the biblical cases as compared to rich diversify of traditions found in the legal case law and in the Bible in themes and practices surveyed a number of pastors, ministers, and seminary students.

More than 500 cases were received and analyzed to select the seven cases presented in this project. Four of the cases presented in this project involve African-American church members and/or African-American church officers. Six of the cases report on disputes involving Black churches in Illinois.

Phase II of the field experience involved the design, distribution and review of the questionnaire contained in Appendix A of this paper. The survey instrument was mailed to 300 religious leaders in the Chicago area. The questionnaire was distributed to each person that attended each of the seminars and workshops. The results of the survey instrument are contained in

the graphs in Appendix A herein.atters of social justice .

Phase II of this project involved the development of a workshop curriculum and manual for use in the series of workshops and meetings held with Chicago area seminary classes and ministerial alliance meetings. The materials used in the seminars has been compiled and reproduced in a pastor, church and the law course manual contained in appendix B herein.

Phase III of the field experience involved the presentation of the curriculum to a number of seminary students and at a number of ministerial alliance meetings held in Chicago, Illinois and Gary, Indiana. Appendix B includes a copy of the cover letter mailed to several African-American ministerial alliances and seminaries professors.

- Presentation was made to the Fellowship MB Church officers for development of draft by-law provisions for the Black Baptist Church. Findings as if they are assembled in a room viewing a wide-screen presentation of our work. We ask that you read each of the seven case studies with a view towards looking at the facts as they present the nature of the non compliance and then you will see the researcher/attorney the field experience used to obtain the information for this project included: (1) a review of selected court cases involving internal and external disputes between churches and church members for the preparation of a pastor, church and law seminar curriculum for the Black church pastor and officer; (2) the analysis of the results presented in the questionnaires

presented in Appendix A; and (3) observations and discussions held with the participants at the pastor church and the law seminar sessions conducted as a part of this project. These three approaches to the project provides us with three clear perspectives from which one can draw conclusions and make assumptions about the nature and extent of legal compliance or lack of compliance found among members of the African-American church family and a framework for the design and implementation of a systematic approach to assisting the Black church in achieving legal compliance. The results of the field experience clearly supports the need for the creation of a systemic legal education program designed and marketed specifically to and for African-American church leadership.

The first stage of study for this model in ministry included a review of more than 500 court cases filed in the state and federal courts of the United States which involved church disputes to determine the top seven areas of legal issues faced by church officers. This was accomplished by a conducting an Internet search of the West Law Legal publishers library of cases for the past 10 years. The areas of focus selected were further verified by comparing the information obtained with the information previously compiled by Attorney and noted scholar in the field of church law, Richard Hammer, in his text, Pastor, Church and the Law, cited previously herein. The selection of the seven areas of legal

challenge for the members of the Black church was verified by the results obtained from the survey participants and from the discussions held with the participants in this study. Finally, seven cases were selected from cases filed in Illinois which contained factual backgrounds that demonstrated the custom and practices most typically present among traditional African-American church leadership. These cases were used as a part of the examples of what kinds of situations can cause the church to go to court and how the courts will address specific kinds of church disputes. The use of the case study as a part of the workshop curriculum proved to be extremely effective in providing support for the need for training of church leadership.

These same cases were used as a part of the materials presented to the participants in the series of pastor, church, and the law workshops presented at three seminaries, and at four pastor's conferences as a part of this model in ministry. Seminars were conducted from June thru July 1997 at:

- Trinity Evangelical Seminary to 25 students enrolled in an Urban Ministry class taught by Dr. Michael Reynolds on June 2, 1997.
- McCormick Theological Seminary to the students enrolled in a class in pastoral counseling taught by Dr. Homer Ashby, Dean of the graduate school at McCormick Theological Seminary on June 3,1997.
- 6 students enrolled in the African American Leadership Partnership Program sponsored by McCormick Theological Seminary under the leadership of Dr. Leon Finney Jr.
- 25 pastors who are members of the Gary Minister's Conference under the leadership of Dr. L. Dalton Hall, Jr.

- 6 pastors who are members of the Lutheran Minister's Conference in Chicago and vicinity.
- 6 pastors who are members of Black Methodist for Church Renewal (the African American Minister's of the United Methodist Church) under the leadership of Dr. Myron McCoy.
- 5 pastors who are members of the Greater New Era District of the Illinois Baptist State Convention under the leadership of Rev. Alvin Love.
- 20 ministers and lay leaders assembled at a workshop sponsored by the Urban Outreach Foundation of Urban Ministries.
- 12 Christian Methodist Episcopal Ministers Chicago Conference convened by Rev. Henry M. Williamson, Sr.

The following seven cases are included in this paper to provide the reader with a look at the real circumstances that cause churches to reach court. The cases are presented as if they are an interviewer's notes obtained from taped interviews of the litigants for each case. The facts for each of the cases have been outlined in a manner that provides the reader with some understanding of the custom and practices of the respective church officers which can provide some clue as to the underlying beliefs and assumptions that may cause African-American church leaders to be out of legal compliance.

Each of the following cases should be read as if one is watching the actual trial as many Americans watched the O. J. Simpson case. The cases highlight seven church communities who experienced difficulties in promoting their individual and collective mission to spread the Gospel of Jesus Christ as a result of the exacerbation of the particular legal challenges. We will focus on

the factual background in terms of the local church's compliance issues, and we will attempt to determine whether or not the legal action caused the church leadership to alter its behavior.

CASE STUDY 1: CLERGY PRIVILEGE RAISED IN SEX CASE.

The defendant is a twenty-three year-old youth counselor at St. Matthew's Lutheran Church in Lake Zurich, Illinois. He is charged with kissing and fondling the breasts of a fifteen year-old church member. The facts in this case are typical of what happens in a local church setting when a party is accused of committed a moral infraction, which may also violate the law. The defendant is urged to acknowledged his sin and seek for forgiveness from the individual who he/she sinned against and if the sin is public, before the church body. The pastor in this case, scheduled a meeting between the victim, her father and the defendant to obtain reconciliation between the parties. After the church meeting the family of the young girl filed criminal charges against the youth counselor, thereby causing the matter to be presented to court.

When the matter was presented before the court at a trial on the alleged abuse of the fifteen year-old child, the defendant claimed that his confession and request for forgiveness to the pastor could not be presented as evidence of his guilt because the communications were made tot he pastor during what he, the youth counselor, believed were protected as private communications made during pastoral counseling.

The court held that the pastor of the church to whom the communication regarding child abuse was given had a duty to report the matter to the Illinois Department of Children and Family Services. The court further held that the communication to the pastor of both the victim and the defendant child abuser was not privileged because it was made in the presence of a third party. This case study suggests the need for pastors to understand how and when privilege communications occur and when they are required to report allegations of child abuse or molestation as evidence against him at the trial because said conversation was protected by clergy privilege. This issues presented by this case involve the (1) the legal requirement to report instances of child abuse information shared by a minor church member during counseling; and (2) the need to screen church volunteers who work with minor children and whether the confessions of an alleged child abuser to the pastor of the defendant; and (3) victim is a privilege communication.

CASE STUDY 2: PASTORAL SEXUAL MISCONDUCT IN COUNSELING

Plaintiff Susan E. Hertel sued Father Kevin B. Sullivan, a Catholic priest, for allegedly engaging in sexual conduct with her in January 1983, and sexual intercourse in September 1983. In August 1985, plaintiff told Father Sullivan she though she was pregnant, and at his request, arranged for a dilation and curettage to terminate pregnancy. Following this, Father Sullivan began to ignore plaintiff at church and began to treat her differently from other

parishioners. The plaintiff testified at trial that she began to suffer from severe depression as a result of the change in behavior by Father Sullivan. In May 1986, plaintiff reported the entire incident to the Bishop for the Diocese, who she says, refused to intervene. The Plaintiff also testified that on July 25, 1986, following an extremely demeaning telephone conversation with Sullivan, she collapsed at her apartment and was not discovered until several days later. The plaintiff was hospitalized and treated for circulatory problems resulting in the eventful amputation of her left leg and part of her right foot. The final operation occurred in 1991. Plaintiff testified further that she was so emotionally and financially dependent on Sullivan, that he controlled her every thought and action. Plaintiff alleged she did not realize the actions of Sullivan and the Diocese as represented by the inaction of the Bishop were wrongful until July 1991, when she began therapy with her present psychologist (Daniel D. Hocking). The Plaintiff also testified that it was not until 1992 that she was emotionally capable of understanding her victimization and taking meaningful action for her own protection.

This case was dismissed by the court because it was not filed within the two year statute of limitations for such actions. We review this case study to highlight the need for pastors to understand the legal liability that can and does frequently arise out of counseling sessions with members of the opposite sex. The legal consequences of the actions of the priest in this case were avoided by a skillful lawyer who properly raised the statute of limitations as a proper defense,

otherwise this pastor could have been faced with a number of legal challenges involving "clergy malpractice and ineffective pastoral counseling" as defined and explained quite thoroughly in Ronald Bullis' Legal Issues and Religious Counseling.

CASE STUDY 3: FIRST CHURCH OF DELIVERANCE PROPERTY DISPUTE

This action was brought by plaintiffs First Church of Deliverance and Reverend Eugene D. Gray, the church's minister and president of the church's board of directors, to enjoin the church's bank, convalescent home, and members of its former board (defendants) from dissipating the church's assets or interfering with the management of the church. First Church of Deliverance, located at 4315 South Wabash Avenue in Chicago, Illinois, was founded in 1929 by the late Reverend Clarence H. Cobbs. In 1977, Cobbs incorporated the church as an Illinois not-for-profit corporation. When Cobbs died in 1979, Gladys Holcomb became president of the board of directors and in January 1981, Eugene Gray was appointed as Cobb's successor to the position of pastor.

On January 11, 1985, an annual church meeting was held with anywhere from 300 to 1,000 members in attendance with Rev. Gray presiding. The meeting was called pursuant to both oral and written notice.

The church meeting was called to order by Rev. Gray, who then introduced Garland Watt as his personal attorney, determined whether there were any outsiders present, addressed certain preliminary matters and then held

the meeting open to the general membership who expressed various concerns about the church's finances.

Ralph Goodpasteur, a past and current member of the board, testified that the annual church meeting led by Rev. Gray was held pursuant to notice provided by the church's bylaws that were never voted on, referred to, or consulted at any of the annual or regularly scheduled church meetings, and further testified that no election of officers had ever been conducted. Ethel Alexander, a member of the new board, testified that Gray had announced annual church meetings as well as presided over them. According to Alexander, while no prior elections had taken place, the resolution requesting the removal of the old board and the nomination of the new board was received by acclamation of those present at the January 11 meeting. She further stated that when Gray called for additional recommendations, none were offered, and when asked if he could work with the names submitted, Gray responded affirmatively. Gray's recollection of the meeting in dispute was basically the same as that of Alexander. Gray added that he had no prior knowledge and that an election was planned, and asked his personal attorney to attend the meeting as a "monitor" to assist him in answering questions of members who had lodged complaints. After hearing the testimony of Gray, Goodpasteur, and Alexander, the trial court denied defendant's motion for directed verdict as to the propriety of the election.

Sloan managed the church's financial affairs, testified that he received

$1,500 per month salary from the church in addition to $100 per month for rent, both amounts having been established by Reverend Cobbs prior to his death.

Sloan further stated that he had negotiated a contract to lease and sell the church's convalescent home without authorization of the church's board of directors. He subsequently showed the board this contract, but then executed a different one. Also, without board approval, Sloan pledged $87,000 of the church's money to secure a loan for the convalescent home.

Defendants also called Reverend Gray, who testified that while he commented at the January 11 meeting that he needed a board who would be accountable to him, he did not accuse Holcomb, Sloan or Fried of wrongfully transferring church property. He further stated that no specific quorum was required for annual meetings, that the church did not operate according to bylaws, and the oral, not written demands, were made to the board for a financial accounting of church affairs. Gray admitted using the term "vote" in his complaint and affidavits, although he testified that the church did not formally do so. He testified that he filed the action to protect the entire church, and was unable to identify any specific piece of property that had been or may be unlawfully transferred.

On cross-examination, defendant Sloan admitted that contrary to the bylaws: (1) Gray did not call the annual meetings pursuant to the "order and direction of the Board of Directors" because "it was always a custom that the...preacher who was the chairman would call the annual meeting"; (2) the

board did not have written or printed notice of the annual meetings; (3) no written waiver of notice was ever given; (4) the board did not have regular annual meetings since 1979; (5) no annual elections of officers by the board took place; and (6) checks had not been countersigned since the death of Reverend Cobbs.

While special meetings of the board were authorized by the bylaws, they were never conducted, because, according to Sloan, "When preacher lived, we met anytime we got ready and we didn't give notices." Likewise, although the bylaws authorized committees, Sloan stated, "There were no committees; Rev. Cobbs was all the committee.

We cite this case study because it is a prime example of what happens to a vacant congregational church (church without a pastor) that has never followed any bylaws or operating documents. The background of this church is that the founding pastor, Rev. Cobbs, did not use formal written bylaws or rules because of the wide latitude and power given him as founding pastor. He selected and appointed all persons who served on any church board or in any official leadership position of the church. Rev. Gray represents the successive pastor of a church who has been led and who has, perhaps reluctantly, blindly followed the charismatic founding pastor. This case demonstrates the need for codified and published church operating rules for selecting leadership and for managing and reporting church finances and business matters. Many of the Black Baptists, Church of God in Christ, and even some Spiritual and Apostolic

local churches operate in this same manner and run the risk of being a one, generation church because of the failure to institutionalize the rules for defining and selecting church leadership and the administration of the business of the church.

The Court ruled that the plaintiffs had no adequate remedy at law because the damage to the church's reputation in the community could not be measured in monetary terms, but that an injunction preventing the defendants from spending further amounts and requiring the defendants to produce an accounting of all monies was an appropriate remedy. The real issue here is the amount of money both sides had to spend in legal fees and court costs which could have been avoided if they had adopted Bylaws that codified the Biblical principles of stewardship over God's treasury.[2]

CASE STUDY 4: OWENS VS. SECOND BAPTIST CHURCH OF LA GRANGE

The court records show that the plaintiff filed a lawsuit against the church and Willie D. Hayes, Chairman of the Church's Deacon Board; James K. Gilbert, Chairman of the Trustee's Board and the Church's Financial Secretary; and Arthur Hampton, Church Treasurer. The plaintiff presented evidence at trial that the church's July 22, 1984, Sunday bulletin did not contain a notice to the congregation of the July 27 meeting and the proposed agenda item regarding

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the discussion of the plaintiff, pastor's employment. Plaintiff also presented evidence that defendants did not notify him of the meeting. The plaintiff presented evidence at trial, that defendants engaged in conduct which would be viewed by a reasonable person as designed to "systematically and disrespectfully oust their pastor of forty years". During the trial, specific examples of what the plaintiff believed to be defendant's extreme and outrageous conduct included reference to a Sunday service in September 1984, during which plaintiff attempted to enter the church's pulpit but his entry was blocked by the defendants who told him that the pulpit was "void". During the service for the first Sunday in October 1984, plaintiff approached the communion table to administer the sacrament only to find the locks on the church doors had been changed and his path blocked when he attempted to enter the pulpit area. The court held that the defendants had properly discharged the plaintiff, pastor, and, therefore, that the plaintiff must vacate the parsonage. The pastor in this case study was eighty plus years old at the time this case was filed, thereby limiting his ability to seek other employment or to find an alternative, suitable place of residence for the pastor and his wife.

We are using this case to demonstrate the need for every pastor to have a contract with the church. The pastor's contract should define the parsonage, the parsonage allowance, the terms and conditions for vacating the parsonage once the office of pastor is vacated by death, termination, or resignation. These are the kinds of concerns that should be considered by pastors and churches in

negotiating a much-needed pastor's benefits resolution for both founding and successive pastors. This case example is replayed over and over again in Black churches throughout the nation. Most of the pastors who participated in this seminar sessions and the survey serve as pastors of congregations but do not have a written contract or defined employee benefit package approved and funded by the church leadership and ratified by the church congregation.

Case 5: Antioch Missionary Baptist Church vs. Edward Rosewell County Treasurer[3]

This case involves a leading Black church in Chicago, Illinois which is noted for the construction and development of affordable housing sites for seniors and disabled congregants. In this case, Antioch Baptist Church acquired real property adjacent to the church and sought to have the property declared exempt from property taxes. Illinois law provides in Section 19.2 of the Revenue Act of 1939 for an exemption for property "used exclusively for religious purposes."[4] In this case, the church applied to the City of Chicago for funds to rehabilitate the property to create a senior citizens housing center. It took the City two years to provide the necessary funding. During the two year waiting period the property did not enjoy a tax exempt status and thus the court held that the church was liable for the property taxes for the years while the property

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[3] Antioch Missionary Baptist Church vs Edward J. Rosewell, 119 Ill App.3d.981 (1983).

[4] Illinois Revised Statutes, 1981, chapter 120, par. 500.2

was boarded up and vacant because it was not used for an exempt purpose during those years.

This case study is important because it suggests to church leaders and officers that every gift of property may not be a gift when the property given is taxable, unless there is some written understanding about who bears the burden for payment of real property taxes while the property has not been deemed "exempt" within the meaning of the law. Many Black churches in Cook County, Illinois find the church property including the main church building that houses the sanctuary on the local tax sales list for failure to pay property taxes or for failure to file the annual request that the property continue its designation as tax exempt because it is used exclusively for religious and charitable purposes.[5]

CASE 6: RELIGIOUS LEADERS INITIATING MORAL CHALLENGE TO UNJUST LAWS: WYATT TEE WALKER VS. CITY OF BIRMINGHAM[6]

This case involves a proceeding filed to review the criminal contempt convictions against Rev. Wyatt Tee Walker and others found guilty of violating a temporary injunction against marching issued by the Circuit Court of Jefferson County, Alabama. The plaintiffs, led by the named Plaintiff, Wyatt Tee Walker,

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[5] Board of Appeals of Cook County, Room 601 Real Estate Exemption Department, Chicago, Illinois.

[6] Wyatt Tee Walker et. Al., Petitioners vs. City of Birmingham 87 S.Ct. 1824 (June 12, 1967)

filed this petition in the United States Supreme Court challenging the injunction issued by the state court of Alabama which ordered 139 individuals and two organizations not to participate in any sit-in demonstrations, kneel-in demonstrations, mass street parades, trespasses on private property etc., in the City of Birmingham, Alabama, in violation of the numerous ordinances and statutes of the City of Birmingham and state of Alabama.

This case presents an example of what happens when religious leaders challenge unjust laws in action in the courts. Rev. Walker and eight of the petitioners held a press conference indicating that they would march in spite of the law. A meeting was held at which time the petitioners announced that they would march the next day in spite of the injunction prohibiting the march. The evidence indicates that a march was held Easter Sunday, April 14, with a crowd of 1,500 to 2,000 people watching the 300 marchers. The marchers had decided to hold peaceful protest demonstrations in Birmingham on Good Friday and Easter Sunday in 1964 to challenge and highlight the racial discrimination in the City of Birmingham, Alabama. A representative of the group went to the city hall to obtain a permit to march, but was denied the request on the basis that the request of this group required approval of the full City Commission, a three-man body consisting of Commissioner, "Bull" Connor, and two others.

The United States Supreme Court held that the petitioners deliberately defied the order of the court and did engage in and incite others to engage in mass street parades without a permit. [The Supreme Court upheld the injunction

on the petitioners failure to apply to the Alabama courts to have the injunction modified or dissolved, or to apply to the Commission and appeal from a denial from the Commission by filing a motion to dissolve the injunction.]

This case clearly demonstrates the need for churches to become actively involved in challenging unjust laws that impact on the social justice rights of the people. According to the Court's findings, the religious leaders initiated the appropriate moral challenge but did not raise the challenge in the most advantageous legal context, which could have resulted in exposing the racially designed and discriminatorily-enforced laws of Birmingham review by the Court, as well as, in exposing the practices of the local officials.

CHAPTER 6

REFLECTION, SUMMARY AND CONCLUSION

The aftermath of this project is a concept identified by the acronym TARGET (Teaching, Accessing the Internet, Regular reporting of legal updates, Goal setting, Establishing church state studies at Black seminaries and conventions and Television production). The research model used is a combination of qualitative and quantitative studies of the legal needs and training of the African-American church leader in the United States, using Illinois religious leaders as a model. Over the years, a considerable number of lawsuits have been initiated by or against the African-American church body politic or African-American church leaders. The review of the data obtained from the survey suggests that the questions were not properly framed to address the issue of whether the lack of legal compliance by the African-American church leadership is based upon a belief that legal compliance is unnecessary. A better approach for the field study would have been to hold a series of small group meetings to review and discuss the survey responses for the purpose of obtaining recommendations of methods that could be implemented to achieve compliance by a larger segment of the Black church leadership.

The effectiveness of the methodology must be evaluated over time once it is implemented on a consistent basis in each of three areas by one of the historically Black church denominations, the local church organization, the seminary and the national convention of the denomination. It is the recommendation of this researcher that this model in ministry needs to be adopted by one of the congregational denominations of the Black church and presented to each of the members first at the national convention in 1998, in seminaries where the majority of its members are known to attend, and finally as training models in at least three troubled local congregations. The national body should then measure the level of litigation before the project begins and again at the end of the project to determine its relative impact on the Black church ministry and legal compliance.

One aspect of the project that did not occur was to review the current status of legal compliance for those congregations previously involved in the case study examples cited herein. A study of the impact of litigation and the legal compliance by the leadership of the seven congregations reported in the case studies herein would be of tremendous value in understanding the nature of the Black church leader and his/her view of man's law and the church.

The long-range goals of this project include:

1. The design of legal education curriculum for African-American pastors and leaders.

2. The development of a *church law* newsletter of African-American pastors and church officers highlighting current legal issues that

impact the ministry of congregations and the African-American community.

3. The certification of the need for African-American pastors and church officers to have access to database in cooperation with seminaries and African-American denominations to serve as a vehicle for the on-going distribution of legal information that impinges on church life.

The methodology recommended as a result of this study for providing legal training to the Black church leadership is identified by the acronym TARGET (Teaching, Accessing , Reporting , Goal Setting , Establishing Programs, and Television Production). This plan involves a holistic approach to providing legal training for African-American religious leaders.

FOCUS 1: TEACHING

The teaching ministry involves the establishment of a Legal Christian Education Curriculum. In this phase of the project, we conducted a series of workshops for various denominational groups in the Chicago area. The curriculum for each group provided an overview of the legal mandates and the church at its leadership within a biblical context. The outline for the workshops is contained in the appendix. The major denominational groups of African-American pastors were participants in both the workshop and the surveys. The results of this phase of the model in ministry suggested the need for ongoing regular training sessions for the Black church leadership, pastor, trustees, deacons and stewards, even in hierarchal congregations where legal training is

provided by the national ecclesiastical leadership.

FOCUS 2: ASSESSING

This phase of our project was to analyze the Christian demographics of both the current church leadership and the seminary training of ministers and church officers as to the relationship between church and government and the surrounding church community as reported on our questionnaire and from our review of the cases filed by or against Christian congregations or leaders in Illinois. There was no evidence that a program targeting the African-American church leadership existed on the World Wide Web where African-American church leaders could engage in legal dialogue about local or national church-state matters. The only Web information that was at available for any of the traditional Black church denominations was web sites which discussed the convention and Christian education programs of the respective denominations or media clips about scandals involving members of the Black church, e.g., Dr. Henry J. Lyons, president of the National Baptist Convention USA was presented in great scandal detail. However, there was no information advising African-American church leaders about the legal issues raised by the Lyons controversy and how they could have been avoided or minimized with proper legal representation by an expert in church law.

FOCUS 3: REGULAR REPORTING of LEGAL CHALLENGES AND CHANGES

This focus area is designed to provide ongoing legal information to African-American religious leaders by publishing a Christian legal newsletter, producing a radio and/or television program, and designing an Internet web page for specifically for African-American church leaders. The goal is for the information to be communicated in a manner that reaches ministerial alliances, denominational conferences, and pastors in the historically African-American denominations. A sample newsletter, video, an audio tape of a sample program were prepared as a part of this project and presented for review and consideration as part of this final document.

FOCUS 4: GOAL SETTING AND FUND DEVELOPMENT

A major goal of this model in ministry is to seek funding from foundations or private groups to provide for the systematic and ongoing legal education of African-American church leaders at seminaries, denominational conferences, individual church meetings, and through interactive chats on the World Wide web and cable television. The results of the study suggest that this educational component should be established as the minimum criteria for seminary graduation and ordination.

FOCUS 5: EDUCATION of BLACK CHURCH OFFICERS for LEGAL COMPLIANCE

The project indicated a need to train African-American church officers as well as the pastoral leadership in areas of the law and church matters. This

training should be required for all church officers as a part of the regular Christian Education program offered annually by the Black church Christian Education Conferences. The annual installation of church officers should include a seminar on church law prior to or immediately following installation services.

This model in ministry conforms to the premise outlined by Kennon L. Callahan in his book Effective Church Leadership Building On The 12 Keys. Callahan says," The professional-minister focus inside the church is no longer an effective functional understanding of the nature of leadership. The day of the missionary pastor has come."[7] Callahan's methodology is based on 12 principles or relational characteristics of the "mission church":

1. Has specific concrete missonal objectives
2. Has pastoral and lay visitation in the community
    a. Has corporate and dynamic worship
    b. Has groupings significant relationships
    c. Has strong leadership resources
    d. Has a solid, participatory decision-making process in a streamlined organizational instruction.
    e. Has several competent programs and activities
    f. Has open accessibility

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[7] Kennan Callahan, 12.

g. Has high visibility

h. Has adequate parking

i. Has adequate space and facilities

j. Has solid financial resources[8]

When one applies Callahan's analysis to training the church for effective legal compliance, it is clear that one's understanding of the nature of church leadership is critical to legal training. If the pastor is viewed within the context of managerial skills, then he/she must receive legal training in property preservation, fiscal controls and reporting requirements, personnel and employee laws. However, management without a mission omits the ministry of the church to the world. If one accepts the Callahan view of the church in its mission, the nature of the missionary pastor is one of "discovery and fulfillment,... life is that of a pilgrimage...one's theology of the church is primarily a theology of mission." This places a focus on the nature of leadership rather than on the skills and styles of leadership. Thus, legal training, adopting Callahan's leadership training must establish:

1. Legal values for the Black church

2. The definition of the proper legal environment for the local church

3. A constructive perspective on legal compliance for Black church leaders

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[8] Ibid., 29-30.

4. A legal evaluation process for measuring and assessing compliance

5. Legal training structures that are adaptable for local church and denominational differences

6. Legal framework for defining ministries and programs of the Black church

7. Legal guidelines for Black church growth and development

Legal compliance for the Black church must be taught and learned. African-American church leaders learn the law best in a group environment of objectives, not activities. The environment must be intentional, directional, anticipatory and forward-moving. That is to say, the learning of legal requirements of the church is best in an environment where the authority for compliance with the law is delegated to specific church leaders. Black churches tend to vest trustees with responsibility, but not with the authority to manage or maintain the church property. Thus, in Chicago, for example a vast number of Black churches are placed on the annual tax sale list for failure to seek tax exemption or to pay the appropriate property taxes. The African-American church leadership must learn to be a "mission outpost," which focuses on matters outside the local church but that exist in the world. A focus on the world would cause the church to see itself as living in the faith but under the law that regulates behavior, and would cause the African-American church leadership to either comply with or challenge the laws as unjust as did Martin Luther King Jr. and other missionary pastors.

APPENDIX A
RESPONSES TO LEGAL QUESTIONAIRE

LEGAL QUESTIONNAIRE FOR RELIGIOUS LEADERS

Directions:

Please complete the following questions and return the completed questionnaire in the enclosed self addressed envelope or mail to: Rev. Janette C. Wilson, Interfaith Community Partnership, Chicago Public Schools, Office of Schools and Regions, 1819 W. Pershing Road, 5 East, Chicago, Illinois 60609. You may also send it by facsimile to: (773) 535-3759. Please draw a circle around the response that best represents your personal knowledge or opinion, when applicable, on each of the following issues.

Church Name _____

Pastor/Rector/Rabbi/Minister_____

Address of Church/Religious Institution_____

City_____**State**_____ **Zip**_____

Phones: (day)_____(eve) ( )_____ **(fax)**_____

Congressional District_____ **County**_____

State Legislative District_____**Ward**_____ **Pct**_____

1. What is the name of the community area in which your religious institution is located?

   _____

2. Please indicate your denomination and/or faith tradition: (circle one)

o Baptist	o C.O.G.I.C.	o Presbyterian	o Lutheran
o Episcopalian	o United Methodist	o A.M.E.	
o C.M.E.	o A.M.E. Zion	o Church of God	
o Catholic	o Pentecostal	o Full Gospel	

o Buddhist o Hindu o Muslim

o Other (please identify)_____

3. Please indicate which of the following schools of religious training you have attended.
o Seminary o Moody Bible Institute o Chicago Baptist Institute
o Denominational Training Institute o District Association Institutes
o Other (please identify)_____

4. Did your religious training program include any course on religion and the law? Yes No (circle one)

5. Have you ever been involved in a lawsuit as the pastor or as head of a religious institution? Yes No (circle one)

6. Are you aware that property owned by religious institutions must be registered with the county to obtain an exemption from payment of property taxes? Yes No

7. Are you aware that ministers and religious leaders are required to file and pay income taxes? Yes No

8. Are you aware that religious institutions can be sued? Yes No

9. Are you aware that churches, ministers or religious counselors can be sued for malpractice in counseling, youth, married couples, or other persons? Yes No

10. Are you aware that housing allowances must be approved in writing by the officers of the church to be accepted by IRS? Yes No

11. Are you aware that church employees must be treated in the same manner as employees of other companies with respect to deduction of payroll taxes and employee withholding? Yes No

12. Did you know that church musicians, janitors, may be considered employees of the church under certain conditions? Yes No

13. Did you know that churches are required by law to issue a Form 1099 for honorariums to revivalists and guest speakers if the amount of the

honorarium is $600 or more? Yes No

14. Did you know that church-owned and operated daily care facilities must have the proper licenses? Yes No

15. Did you know that church kitchens and dining facilities may be liable to church members or others who are customers in the event of food poisoning? Yes No

16. Do you have a Christian lawyer as a representative of your church? Yes No

17. Does your religious institutions have a lawyer on retainer to handle the needs of your church? Yes No

18. Did you know that church owned buses and transportation vehicles should have legally approval contracts for group leasing of the equipment? Yes No

19. Does your church have a risk management program in place to address your legal risks for church-sponsored programs? Yes No

20. Are you familiar with the reporting requirements for child abuse information received by you during counseling sessions? Yes No

21. Do you have written bylaws which govern the operation your religious institution? Yes No

22. Are your bylaws reviewed regularly and presented to the general membership? Yes No

23. Does your church or religious institution regularly provide training and review for its officers and board members? Yes No

24. Do your bylaws have provisions for care of the pastor's spouse upon his/her death or permanent disability? Yes No

25. Does the pastor have a contractual relationship with the church which defines his/her benefits package including retirement provisions? Yes No

Date:

Seminar Sponsors

- Baptist Minister's Conference of Gary
- Trinity Evangelical Seminary
- African American Leadership Partnership
- St. Mark Baptist
- Greater New Era District Association
- C.O.G.I.C. District Meeting
- Urban Ministries
- Lutheran Ministries of Chicago

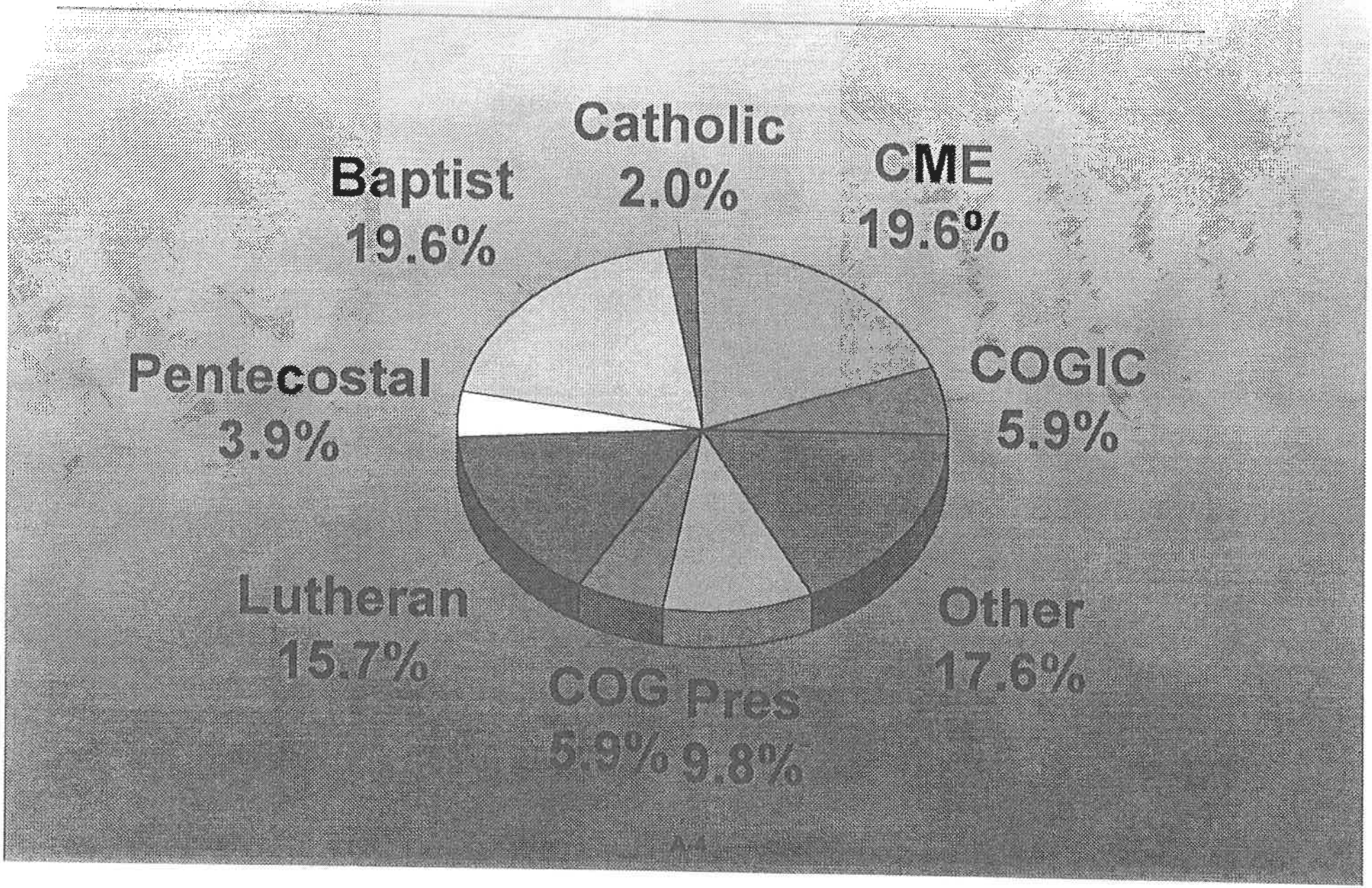
Denominations

- *Baptist*
- *Catholic*
- *Church of God*
- *CME*

Denominations

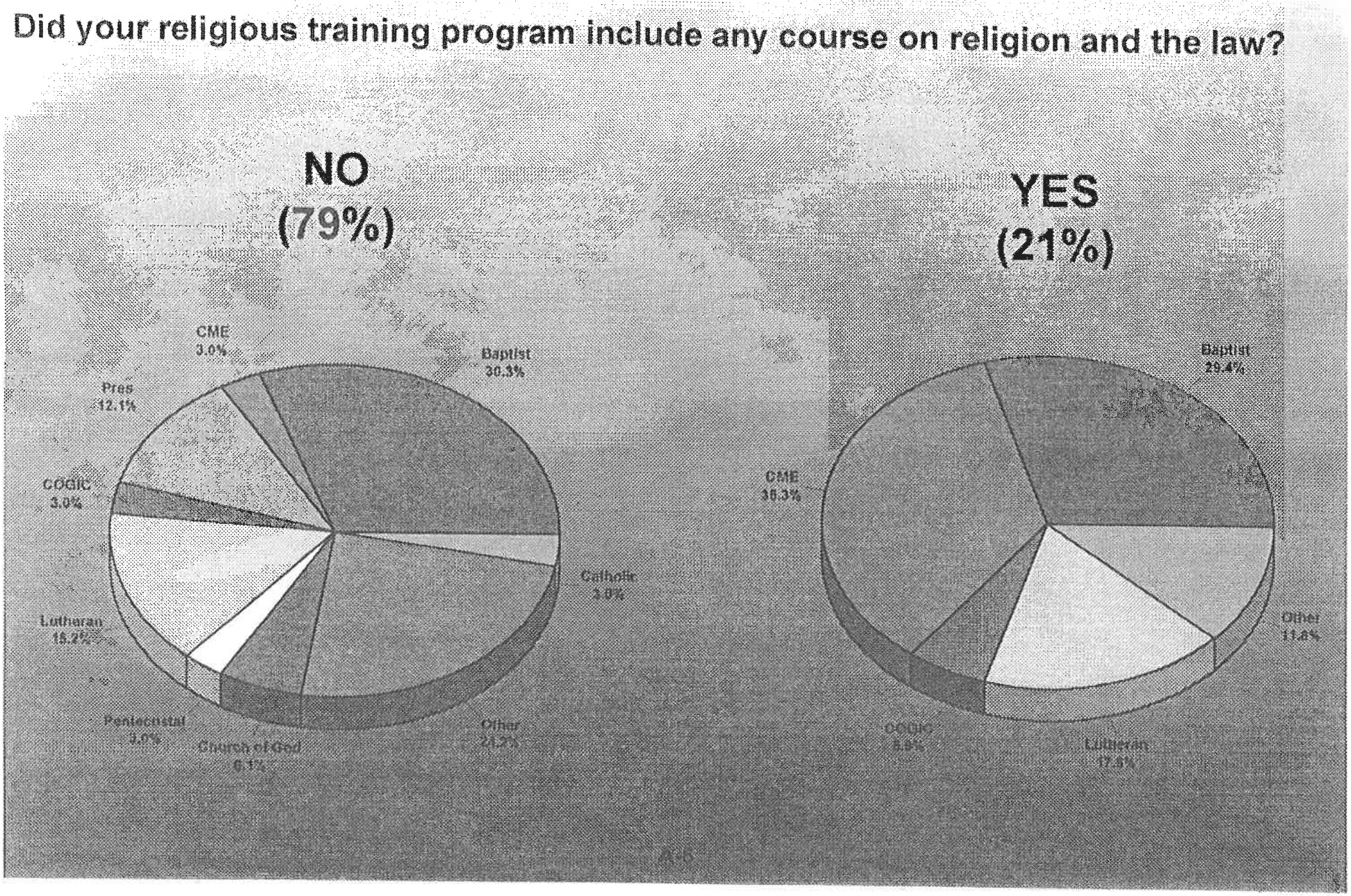
- *Presbyterian*
- *Pentecostal*
- *Lutheran*
- *Church of God in Christ*

Survey Participants



Questionnaire

Did your religious training program include any course on religion and the law?



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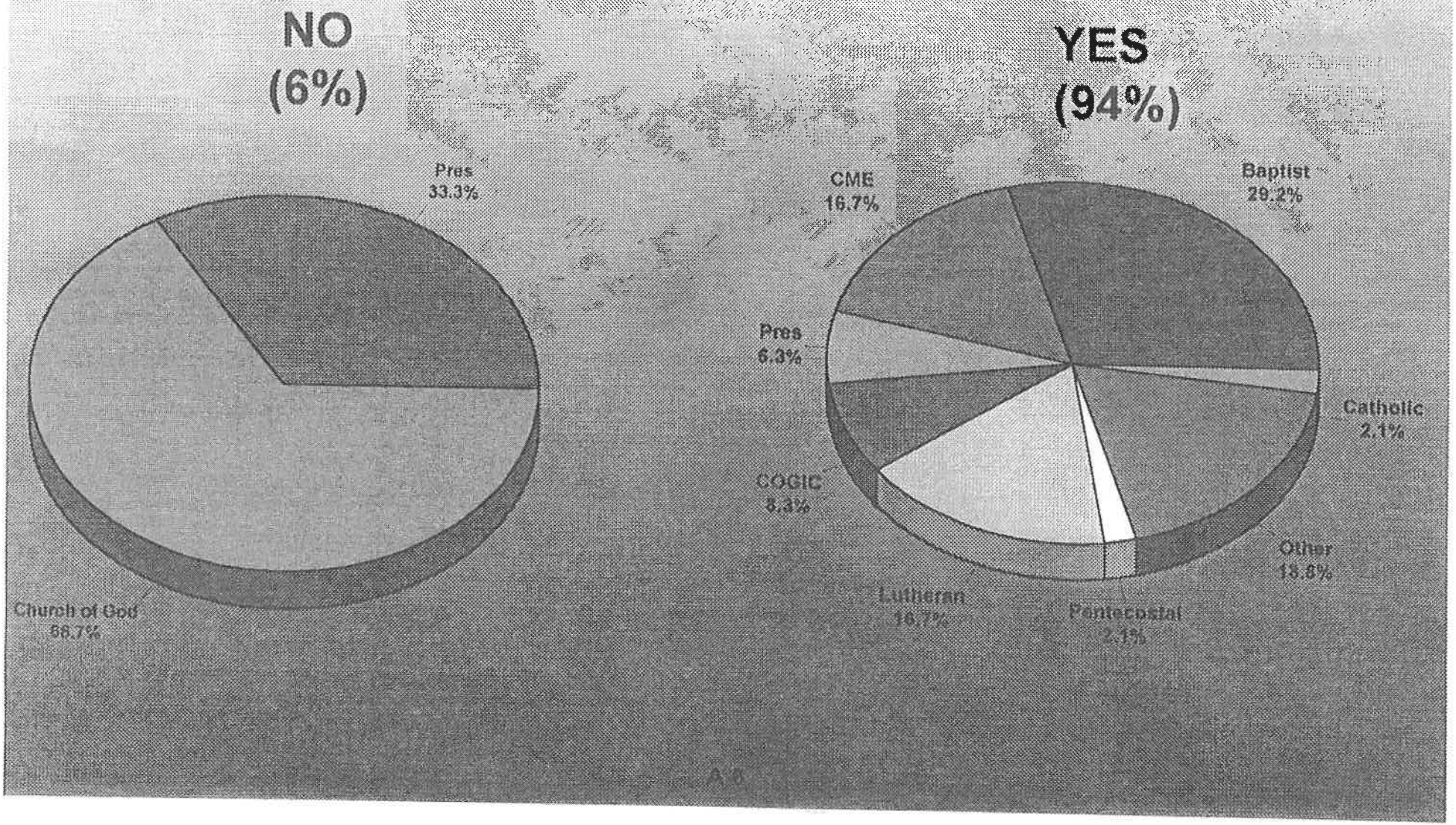
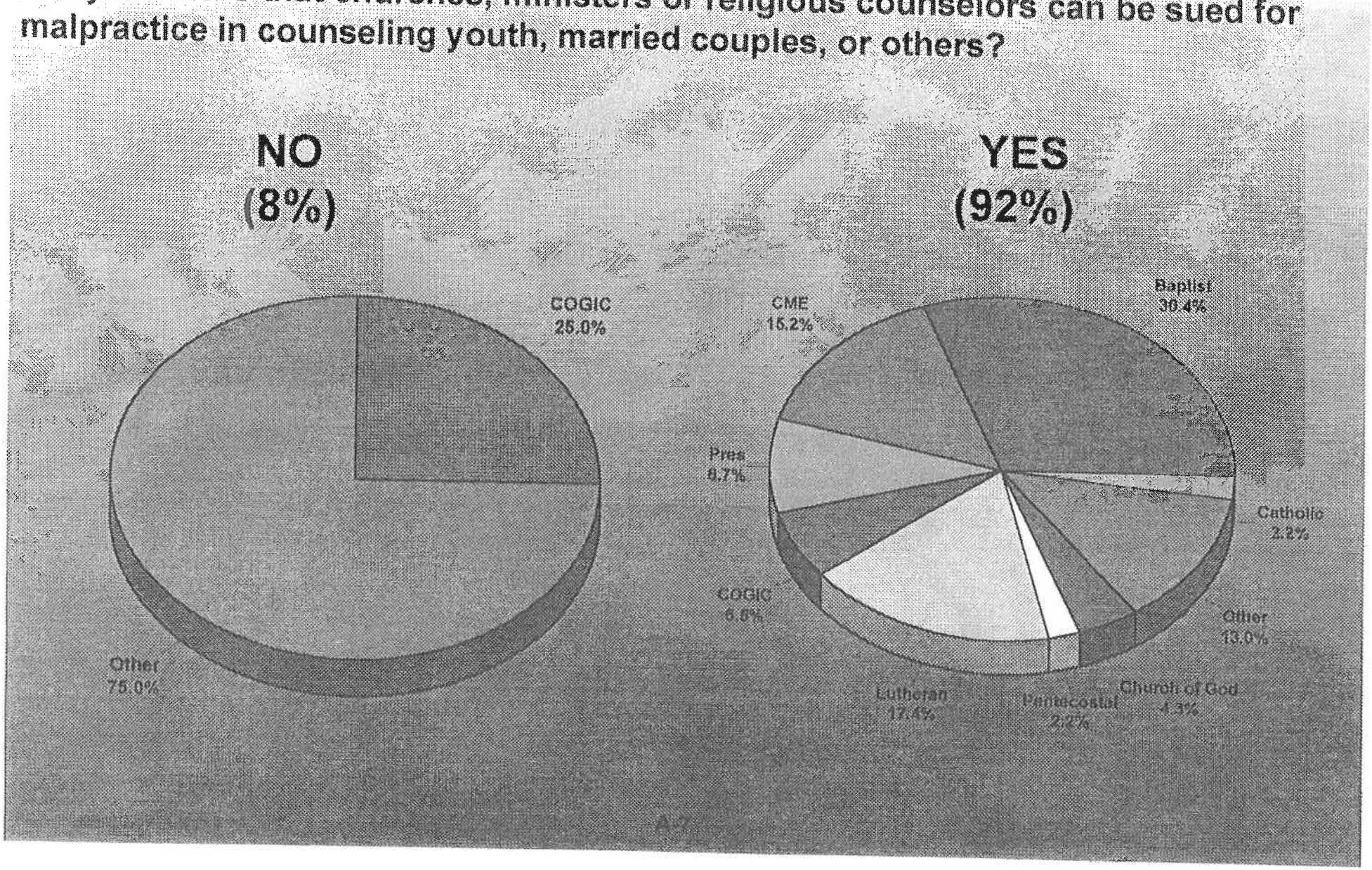


Questionnaire

Are you aware that churches, ministers or religious counselors can be sued for malpractice in counseling youth, married couples, or others?



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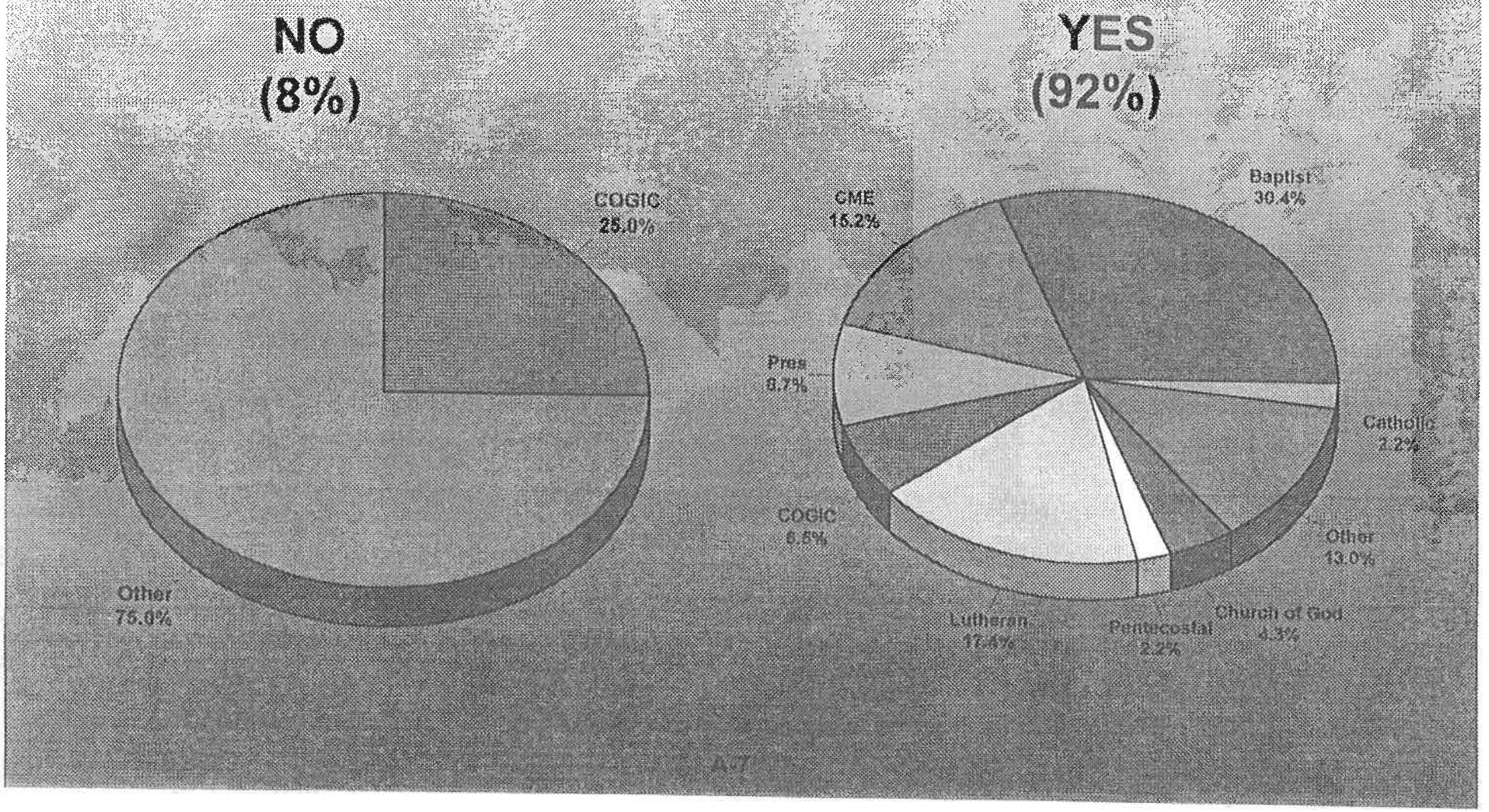

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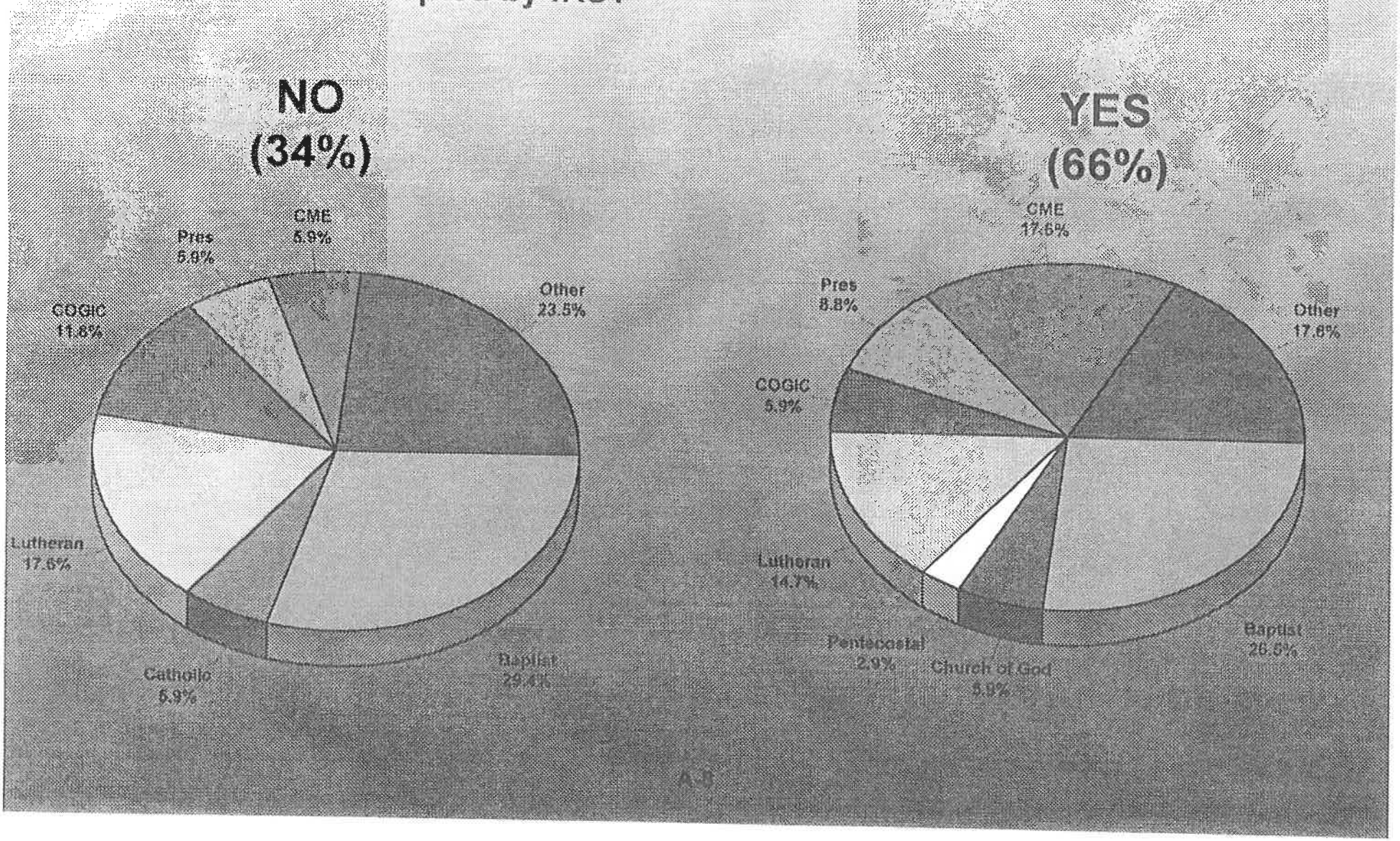

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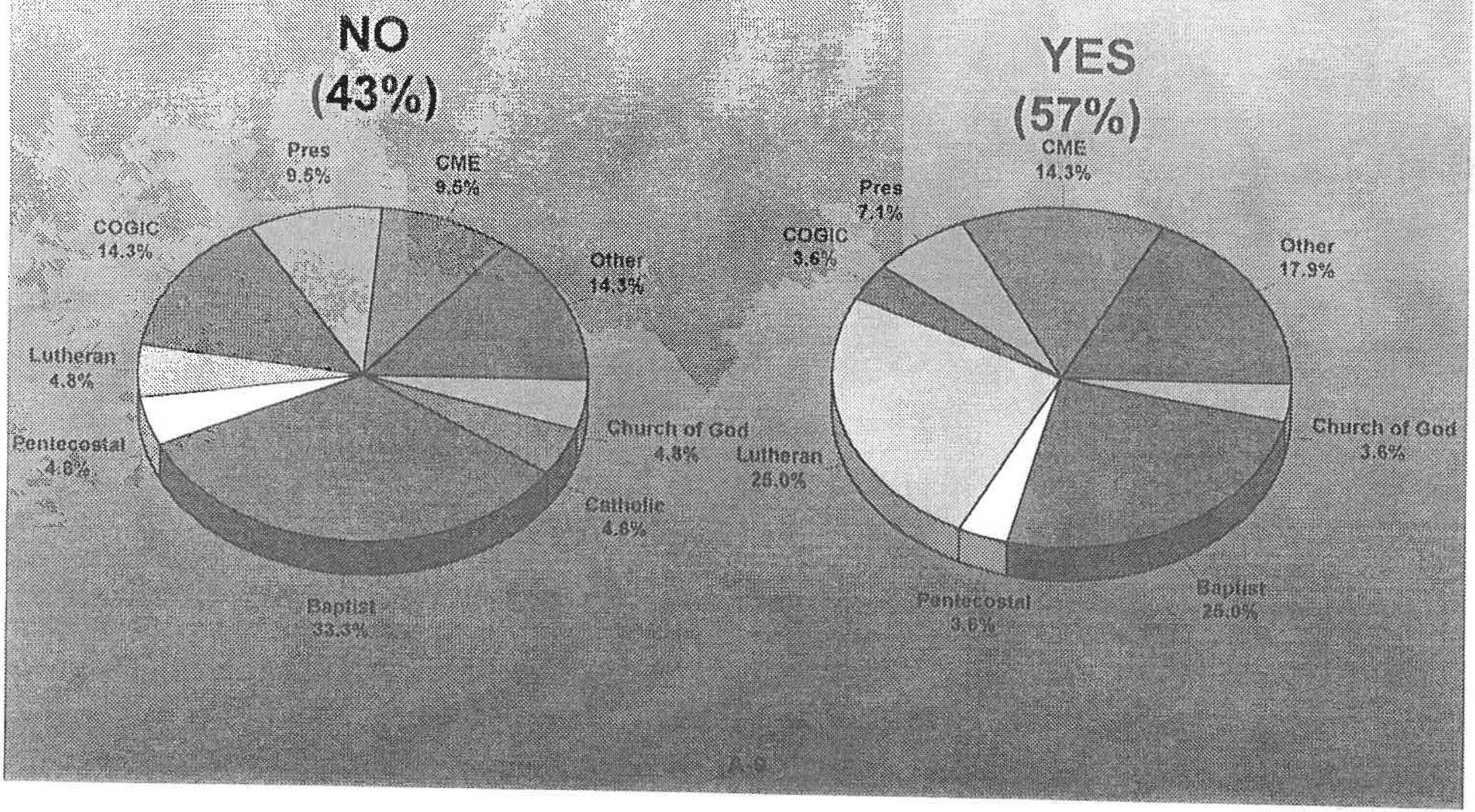

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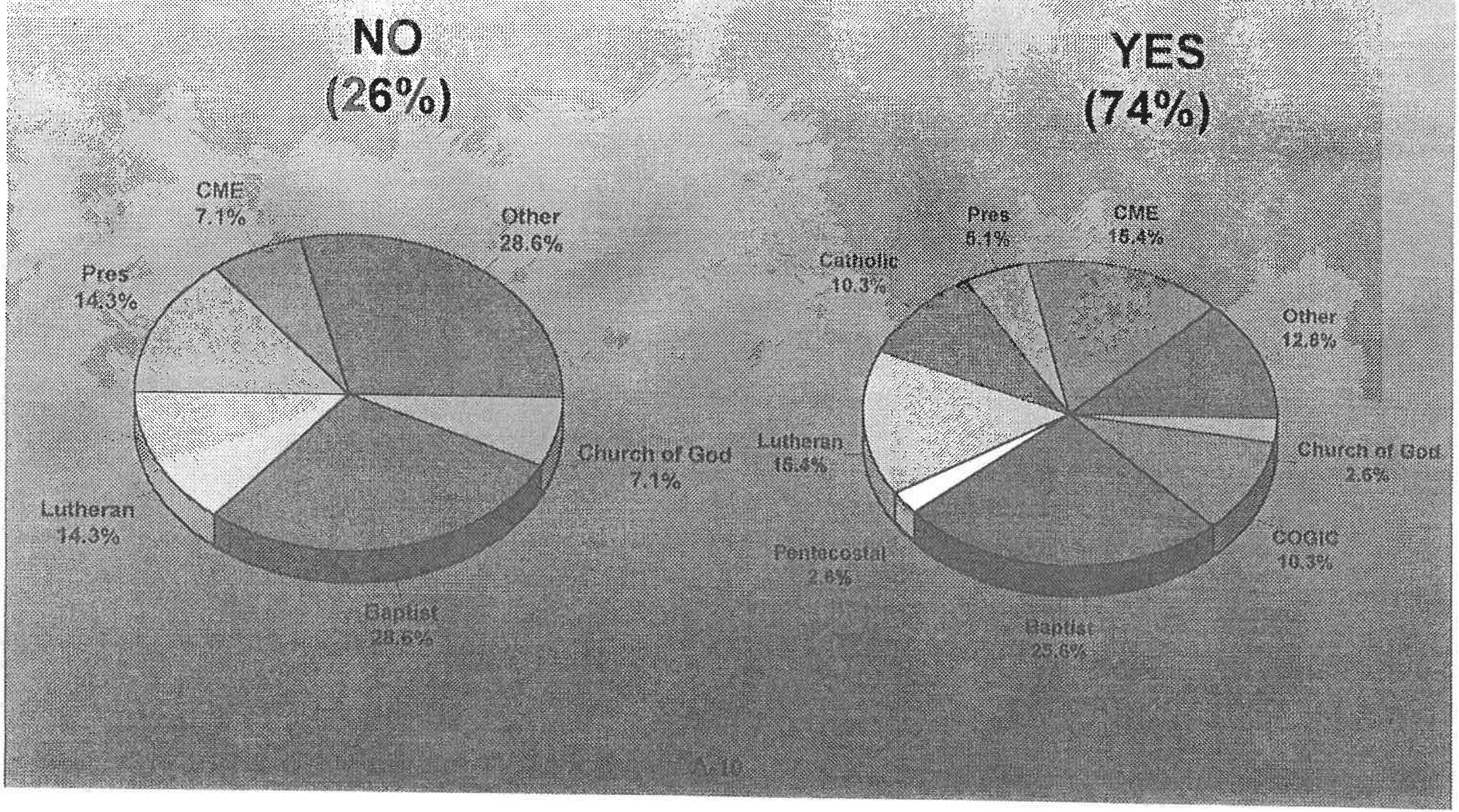

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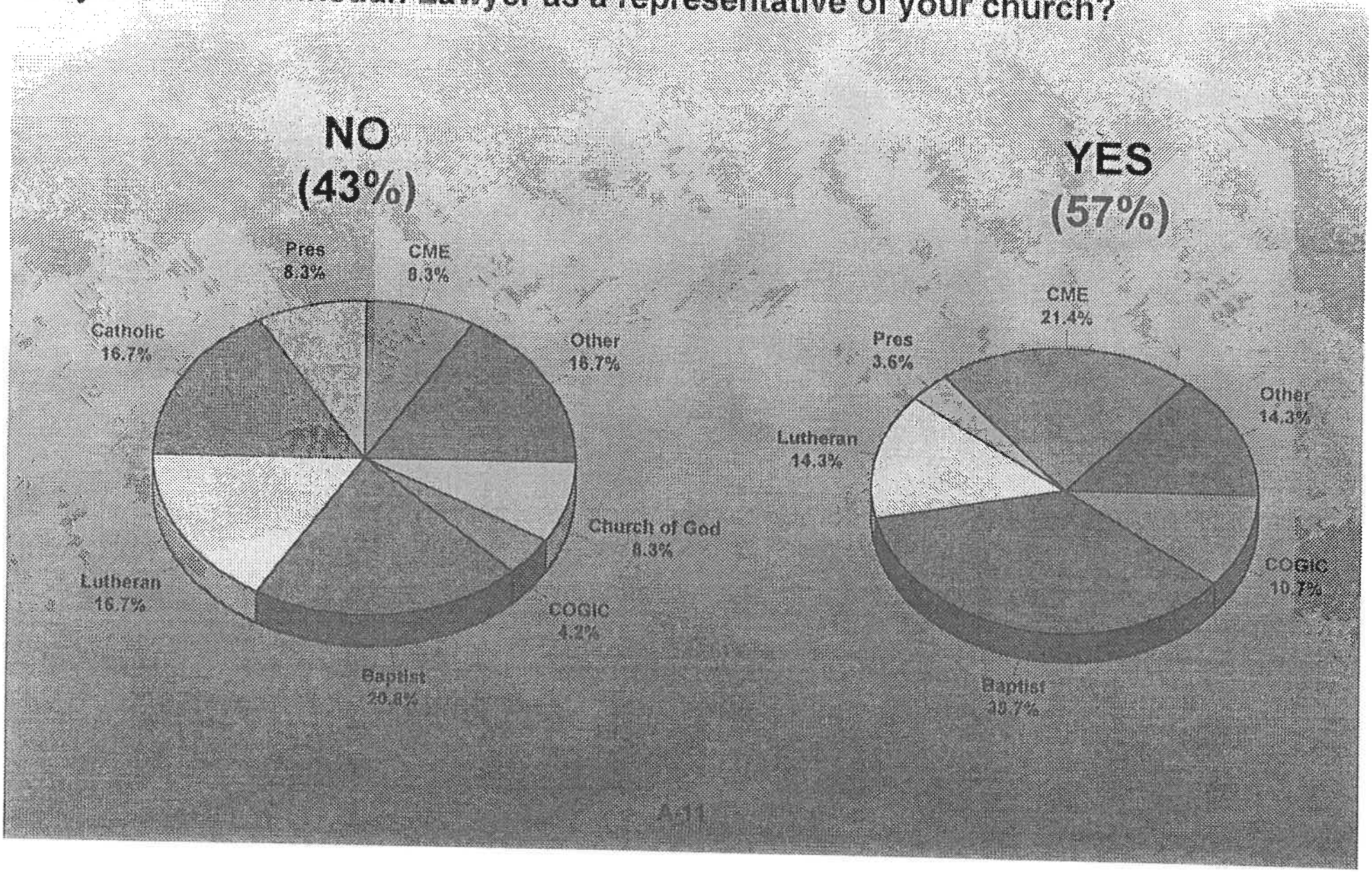

Questionnaire

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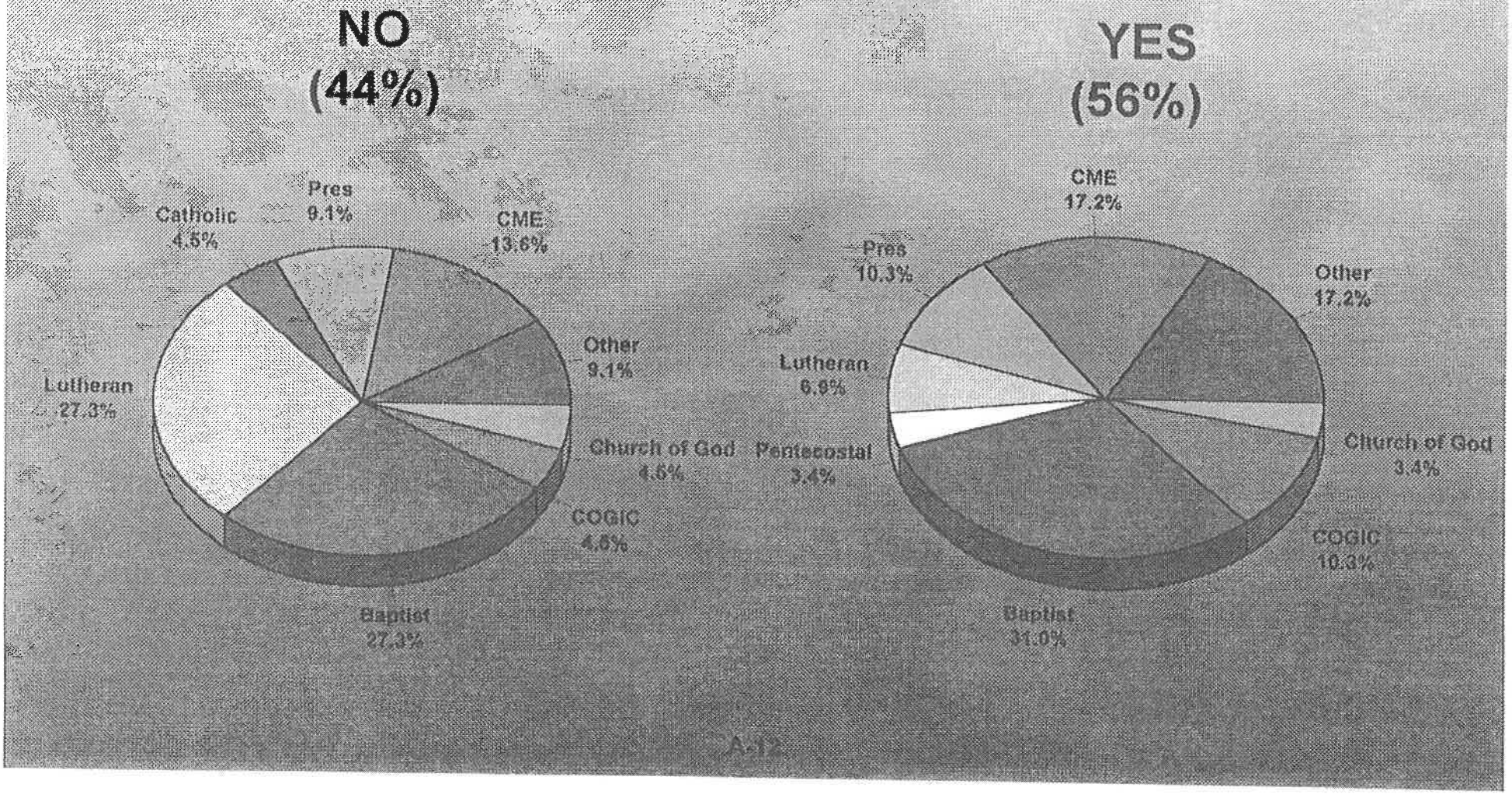
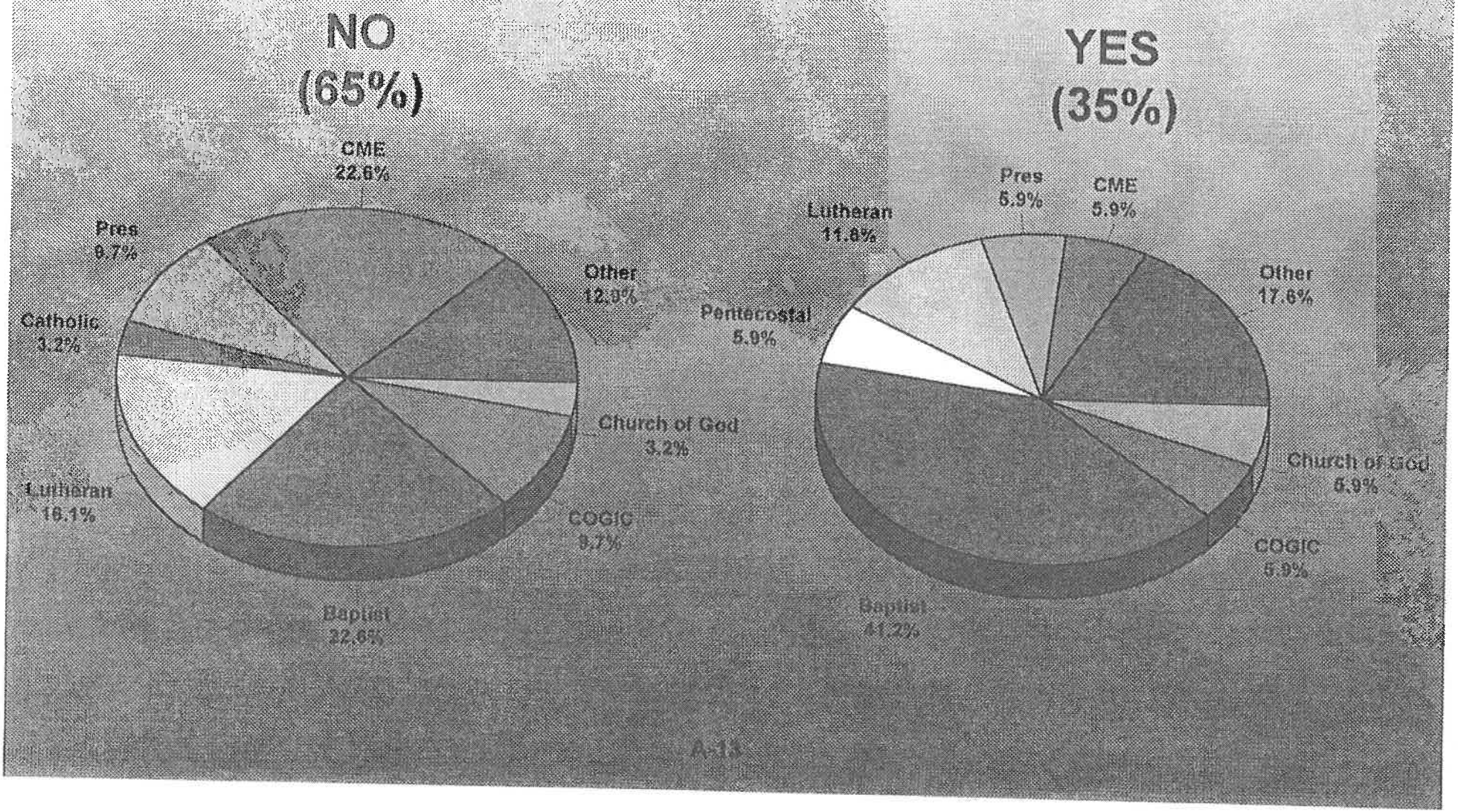


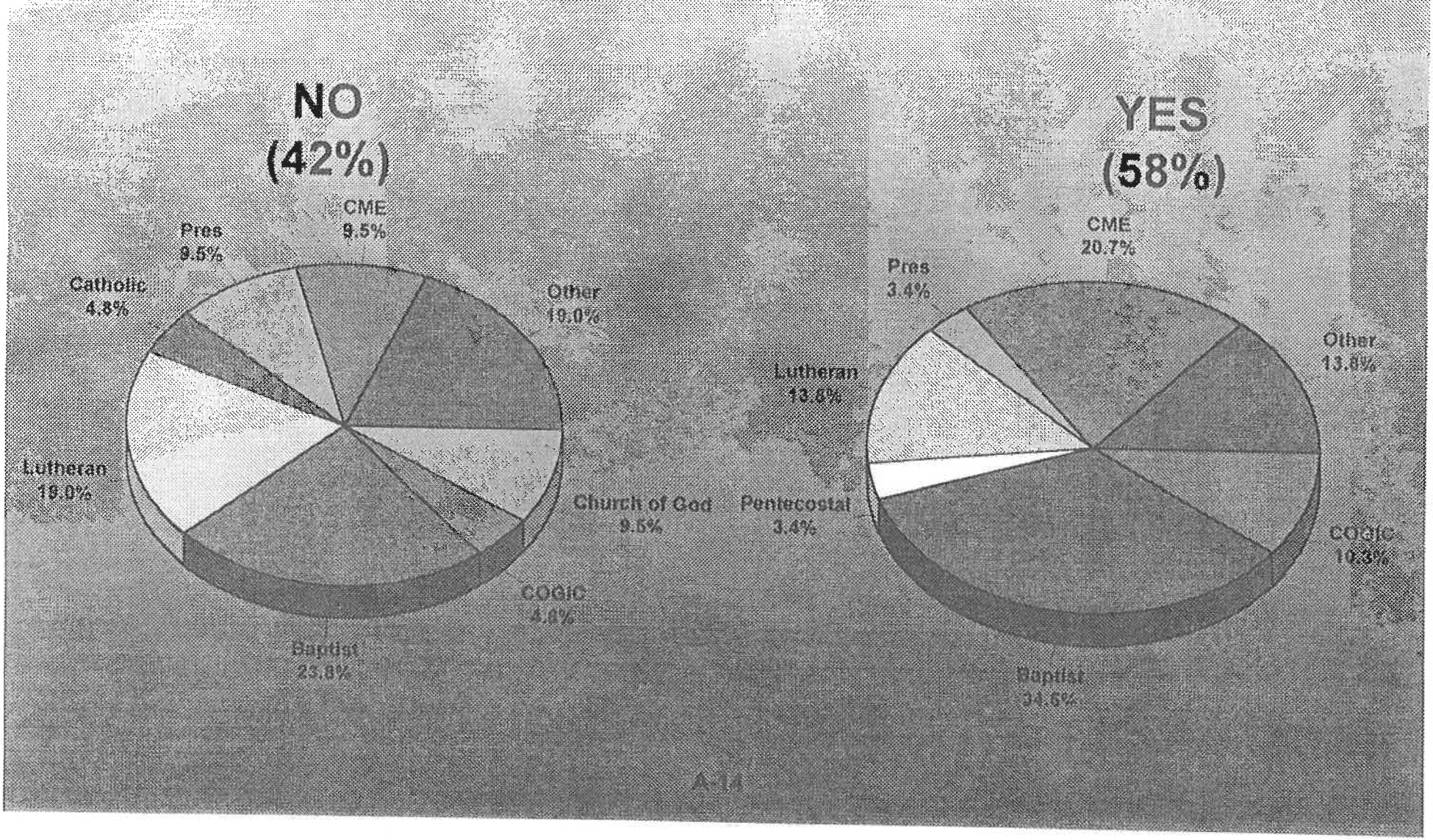
Questionnaire

Does your church have a risk management program in place to address your legal risk for church-sponsored programs?



Questionnaire

Does your religious institution have a lawyer on retainer to handle the needs of your church?



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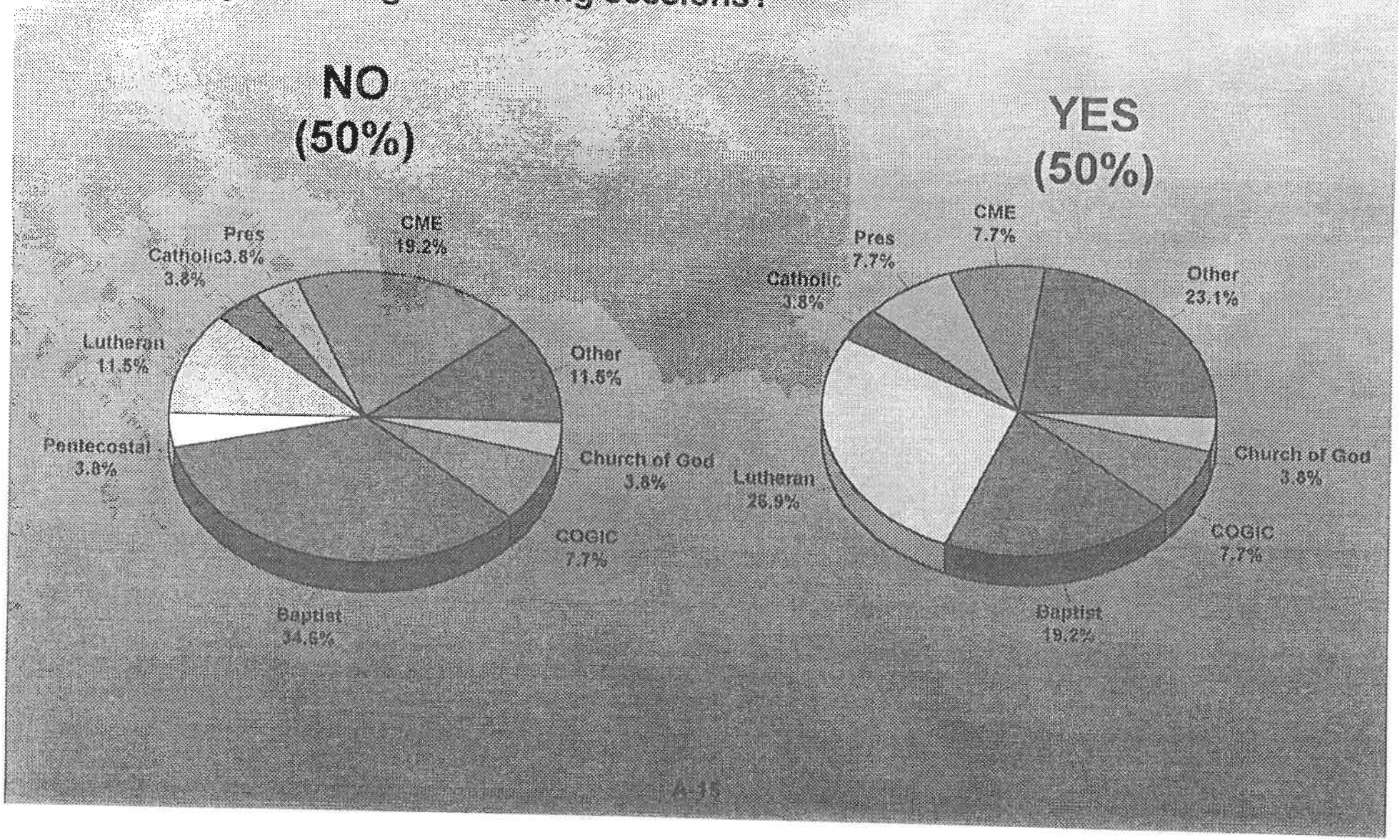
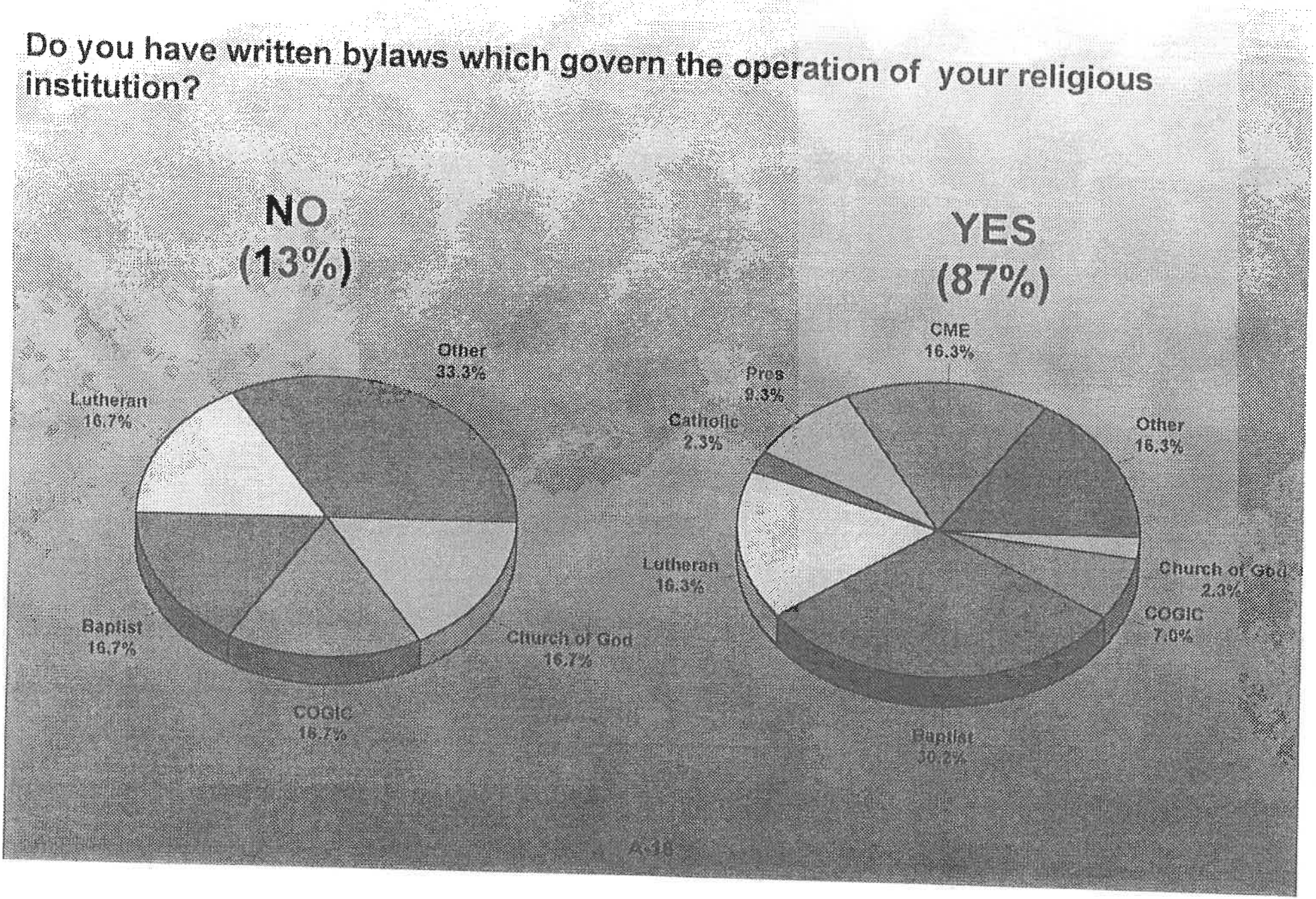


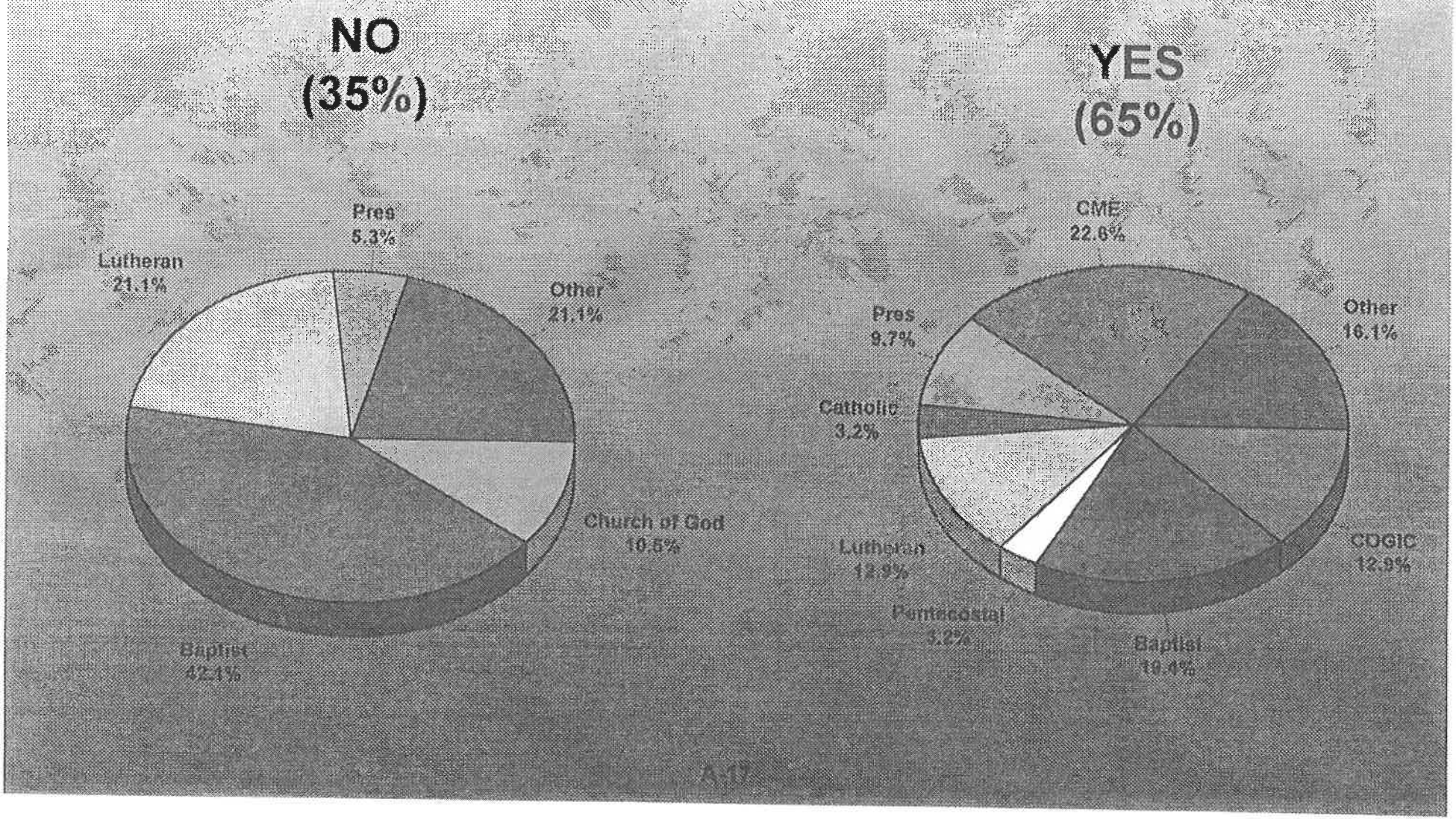
Questionnaire

Do you have written bylaws which govern the operation of your religious institution?



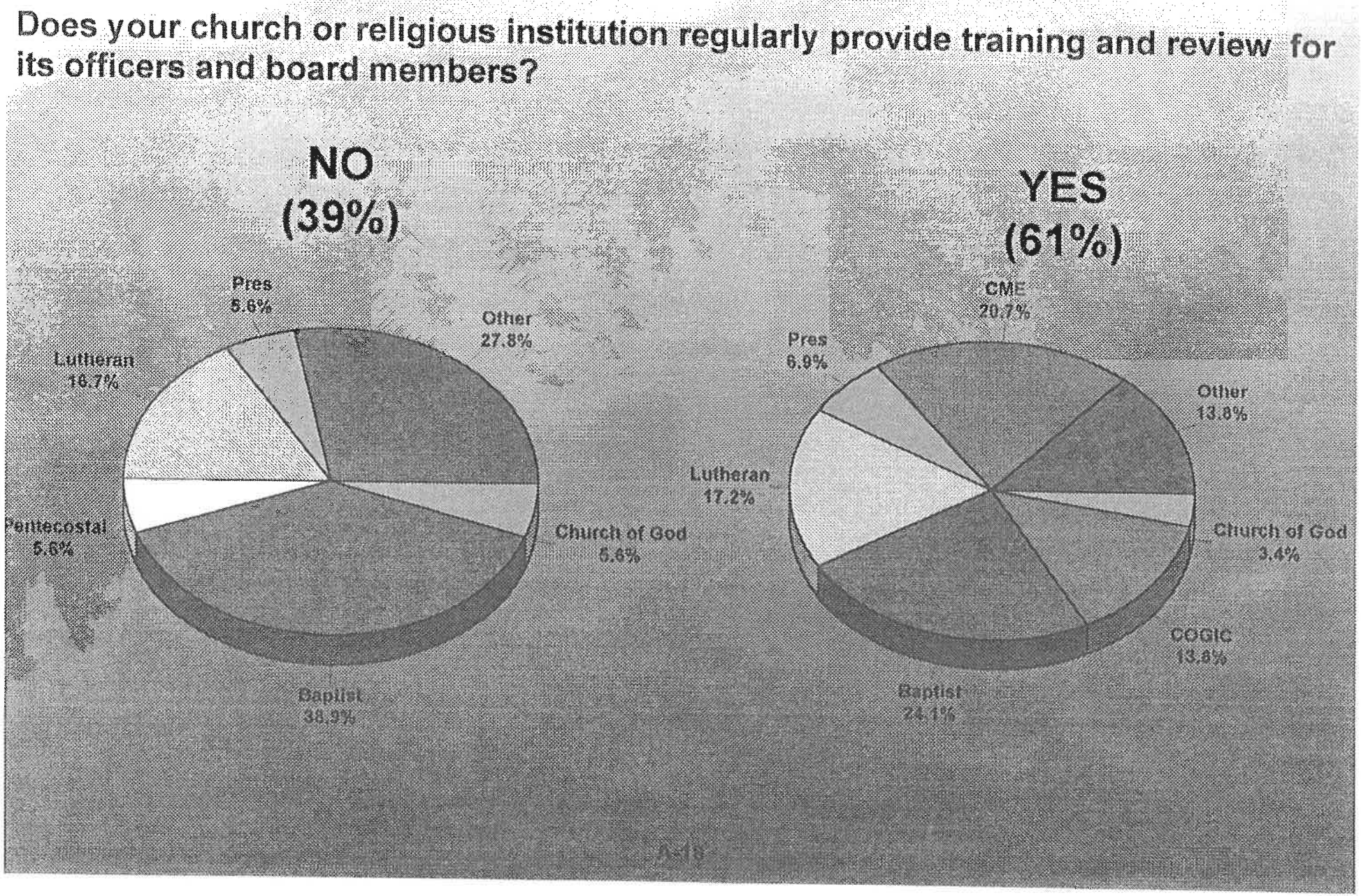
Questionnaire

Are your bylaws reviewed regularly and presented to the general membership?



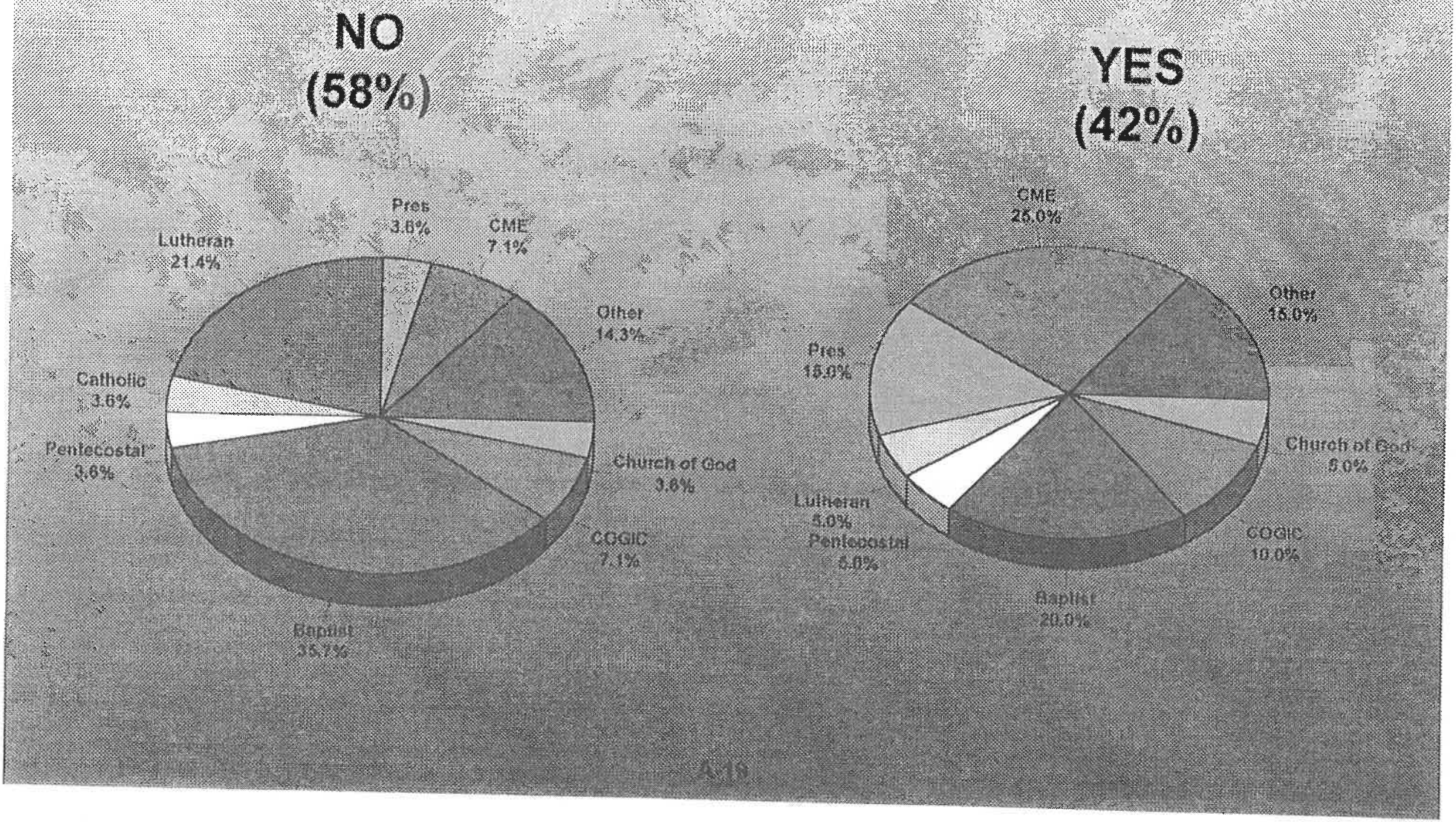
Questionnaire

Does your church or religious institution regularly provide training and review for its officers and board members?



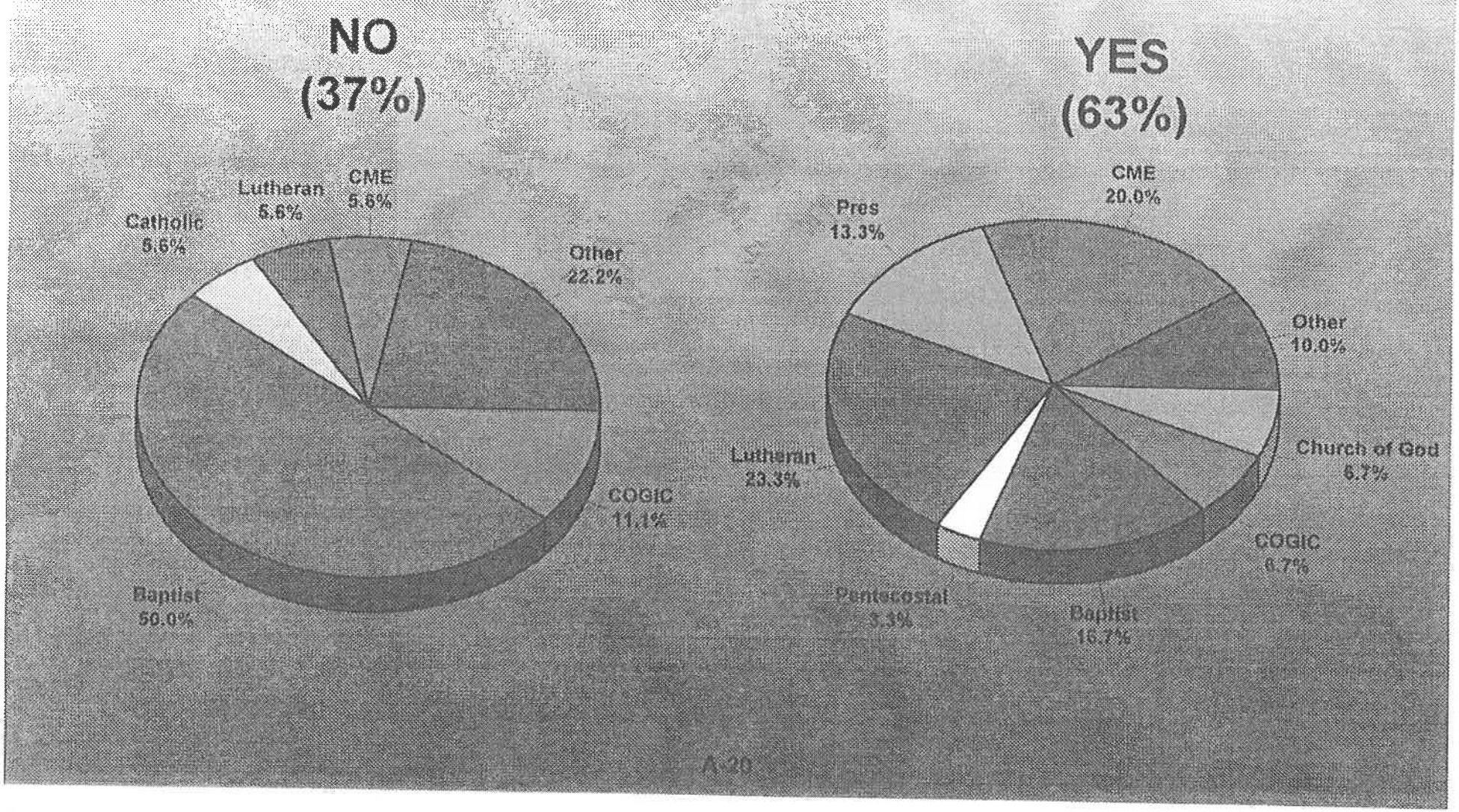
Questionnaire

Do your bylaws have provisions for care of the pastor's spouse upon his/her death or permanent disability?



Questionnaire

Does the pastor have a contractual relationship with the church which defines his/her benefits package including retirement provisions?



APPENDIX B

STRIKING THE LEGAL BALANCE BETWEEN GOD AND GOVERNMENT

HANDBOOK FOR TRAINING PASTORS & CHURCH OFFICERS

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INDEPENDENT CONTRACTOR AGREEMENT

IRS AND PASTORS

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June 20, 1995

SAMPLE LETTER MAILED TO RELIGIOUS LEADERS

Dear:

Effective ministry in this legally dominated society requires that ministers and pastors have an understanding of "Pastor Church and the Law". The re is a need for knowledge of the law as it impacts on the pastorate. The current focus on domestic violence and child abuse makes the most well intentioned counseling vulnerable to legal attacks. The movement of church outreach ministries to the airwaves, to recording studios, to newsletters, magazines, to the prisons and even to housing a need for economic development initiatives require pastor as chief executive officer of the church to understand the concepts of contract negotiation and the liabilities associated with each of these outreach efforts.

I am interested in teaching a course entitled: The Pastor, Church and the Law. I am wondering if the African American Partnership would be interested in incorporating such a course into its course offerings. The syllabus would include the following topics:

Session 1 - Opening Session - The Trial of Jesus
Text: The Trial of Jesus
This would give pastors an overview of how the legal profession interprets things

Session 2 - Law and The Pastor

Session 3 - Pastor's Contractual Relationship to the Church

Session 4 - Authority Rights & Privileges of the Pastor as it relates to: property

matter, marriage ceremonies, military duty, jury duty, confidential commentaries, and discipline.

Session 5 - Liabilities of Pastor - Disciplining minor church members, deformation suits, child abuse, and contract liabilities.

Session 6 - Clergy malpractice

Session 7 - Social Security & Income Tax for Ministers

Session 8 - The Law & The Church

Session 9 - Church as Employer

Session 10 - Church & Private Schools

The time for each class session can be tailored to meet the schedule proscribed by your seminary or association. The approach to each session will be to have the students analyze and discuss cases which have been filed in the court. I have enclosed a sample of our case analysis approach with this letter. In each instance an effort will be made to make sure the cases selected cover the range of denominations which may be represented in the student body. I have also enclosed copies of our recent resumes for your review and information.

Respectfully,

Janette C. Wilson, Esq.

BUSINES ENTITIES

(A COMPARISON)

FACTOR	GENERAL PARTNERSHIP	R.L.L.P PARTNERSHIP	LIMITED PARTNERSHIP	LIMITED LIABILITY COMPANY	SOLE PROPRIETORSHIP	" C " CORPORATION	" S " CORPORATION
Limited Liability	Partners Equally Liable	Yes - All Partners	Only the Limited Partners	YES	No Limit	YES	YES
Management	All Partners	All Partners	By General Partner	Members and/or Managers	Self	Board of Directors	Board of Directors
Membership	No Maximum Minimum of Two	No Maximum Minimum of Two	No Maximum Minimum of Two (1 gen./1 lmtd.)	No Maximum Minimum of Two	One	No Maximum	Maximum 35; (no Corp. Trust, Pension Plan, or non-resident alien stockholders
Trans of Interest	Restricted - Auth by Partnership Agreement	Restricted - Auth by Partnership Agreement	Restricted - Auth by Partnership Agreement	Restricted - Auth By Partnership Agreement	Only Upon Liquidation	No Restriction (Usually)	No Restriction (See Above)
Different Classes of Ownership	Permitted	Permitted	Permitted	Permitted	NO	Permitted	Only One Class of Stock Permitted
Federal Tax	0 at Partnership Level	0 at Partnership Level	0 at Partnership Level	0 at L.L.C. Level	Schedule "C" Tax Form	Corp. Tax @ 34% Shareholder Tax	0 Corp. Level Tax (Usually)
State Tax	--	--	--	--	Illinois 1040	4.8% Corp Tax	0 Corp Tax
Personal Property Replacement Tax	1.5%	1.5%	1.5%	1.5%	0	2.5%	1.5%
Annual Franchise Tax	NO	NO	NO	NO	NO	Min. $ 25, -- Max $ 1 Million	Min. 25, -- Max $ 1 Million
Filing Fee	NONE	$100 per Partner to a Maximum of $5,000 Partnership	$ 75 $ 15 Renewal	$ 500 to organize $ 300 Annual Renewal	NONE	To Organize $ 75 Renewal $ 15	To Organize $ 75 Renewal $ 15

THE RESPONSIBILITIES AND DUTIES OF THE CHURCH OFFICERS OF

_____

There are six major areas of responsibility for Church Officers:

1. Determine the organization's mission and set policies for its operation to establish its general course from year to year.

2. Establish fiscal policy and boundaries, including budgets and financial controls.

3. Provide adequate resources for the activities of the organization through direct financial contributions and a commitment to fund raising.

4. Select, evaluate, and, if necessary, terminate the appointment of the chief executive.

5. Develop and maintain a communication link to the community.

6. Ensure that the provisions of the organization's charter and the law are being followed.

POLICY MAKING

By law, the Church Officers are responsible for drafting and amending, when necessary, the organizational documents that set out the rules, regulations, and procedures of the organization. These are the **Articles of Incorporation** and **By-Laws**. In addition, the Church Officers may wish to develop two additional documents, the **Personnel Manual and a Church Officers' Manual** to further clarify roles, responsibilities, duties, and general policies of the organization.

The Articles of Incorporation, which are drafted at the time of incorporation, are filed in the state office that maintains corporate records. The portion of the "articles" that set out the basic operating framework of the organization is almost always drafted with the assistance of an attorney to ensure conformity with the laws governing not for profit corporations. The portion containing the mission statement should be drafted by the Church Officers. Because so much of the organization's character, structure, and reason for being are contained in the Articles of Incorporation, the Church Officers should review the articles at least once every three years and make any necessary changes regarding the governance or direction of the organization. Changes should be stated as amendments, approved by the Church Officers, and subsequently filed with the state.

The Board of Church Officers is also responsible for drafting the **By-Laws**, which serves as the organization's operating constitution. By-Laws go beyond the general material contained in the "articles" and discuss more detailed and specific procedures affecting the Church Officers themselves. For example, the By-Laws set out the number, tenure, and election procedure for Church Officers, discuss how and when meetings are called, how officers (president, treasurer, clerk, and so on) are elected and the scope of their powers, how votes are taken, how board vacancies are filled, and a host of other details essential to the smooth operation of the organization.

By-Laws, like **Articles of Organization**, must be reviewed periodically and updated. Further, it is the responsibility of the Church Officers to see that the provisions are followed in order to avoid legal complications. Consider the following case:

The executive Church Officers of a not for profit organization had been warned several times by the president of the board that the Church Officers were unhappy with his performance. After six months, the president held a special meeting of the executive committee, and a vote was taken to terminate the executive Church Officers. The executive Church Officers was informed of the decision and, unbeknownst to the Church Officers, secured the services of a lawyer. Meanwhile, a search committee was formed and a new executive Church Officers was hired. When the time came for the first Church Officers to leave, he stated that he had not been legally removed from his job and was, therefore, still the executive Church Officers. He pointed out that according to the bylaws, the executive committee was not empowered to terminate him, and that such an action required a majority vote of the entire board at a full meeting. Furthermore, according to his contract, three months notice was required between the official vote to terminate and actual termination of services. With two executive Church Officers and a potential law suit on their hands, the Church Officers were in a quandary. Three weeks elapsed before the full board could meet to discuss the problem and take a vote on the first executive Church Officers' job. During that time, the executive Church Officers mobilized considerable support from disgruntled Church Officers who were angry at the incompetence of

the executive committee. During the board meeting, the lawyer for the executive Church Officers successfully convinced a majority of Church Officers to provide six months severance pay for his client, an expense that could have been avoided had the board given proper attention to the bylaws.

In addition to the Articles of Organization and the By-Laws, some organizations develop two other "rulebooks," one primarily for staff and the other for the board. The staff "rulebook" is called the Personnel Manual. It provides information about hiring and firing, vacation and sick days, leaves, performance and salary reviews, working hours and conditions, and benefits. The board "rulebook", or **Church Officers' Manual**, provides a more detailed account of the roles and responsibilities of Church Officers.

The four documents described above provide Church Officers with a mechanism for setting broad policy on the internal structure and operation of their organization. But they do not deal in much depth with the external operation, that is, they do not develop policy concerning the organization's programs and activities. Yet, this is one of the principle functions of the Church Officers.

FISCAL RESPONSIBILITIES

"The executive Church Officers really knows about the budget. Let's let him develop the numbers, and we will simply approve what he comes up with. The staff is honest, let's not make their life complicated by insisting on cumbersome check signing and cash handling procedures."

Many Church Officers either make statements like these or make decisions that indicate that they believe them. In doing so, they are not only abrogating their responsibility to preserve the public trust by neglecting a fiduciary responsibility, they are making themselves personally liable and thus for possible legal action against them individually. Many Church Officers are under the mistaken notion that while a corporation can be sued, an individual who serves on its board is immune and cannot be sued. This, however, is not the case. Corporations do offer certain protection, but if creditors want to collect what they feel is rightfully due them, and if the corporation has no assets, creditors may decide to go after the personal assets of the Church Officers. Whether creditors can collect or not, will depend on whether they can prove fiscal negligence of the part of the Church Officers. If the corporation cannot pay the bill because the Church Officers did not act responsibly in exercising some kind of financial oversight and control, creditors may persuade the court to allow them to collect from the Church Officers. At best, the Church Officers will find themselves having to pay the costs of an attorney, at worst, they will have to pay off the creditors.

The best way for Church Officers to avoid such a situation is to exercise fiscal responsibility. This involves developing and monitoring budgets on the one hand and establishing fiscal controls on the other. In the area of budgets, the Church Officers perform several functions. One is a planning function. The preparation of the annual budget must be accomplished with the involvement of the Church Officers and these individuals satisfy themselves that revenues will be adequate to meet projected expenses. If there is a deficit at the end of the year, the Church Officers should share the responsibility with the staff. It is simply not sufficient to say that the executive Church Officers was incorrect in his projections.

Preparing a budget is only part of the Church Officers' budgetary responsibility. Two additional functions are approval and monitoring. The approval step, which must be completed before the budget period begins, is an official action on the part of the Church Officers that carries the force of an endorsement. Obviously, such a statement indicates that if there are projected revenues based on fund raising, the Church Officers have implicitly

made a commitment to assist in this area.

Approving a budget is not enough. The Church Officers are responsible for monitoring and, if necessary, amending the budget throughout the year. Financial statements must be prepared for every board meeting that show how the actual revenue and expense figures compare with what has been budgeted. Monitoring a budget is an important responsibility of the Church Officers, one which establishes certain important financial controls. Other controls can be set through financial policy development. The board must determine such things as:

- Who will approve invoices and sign checks?
- Will individual staff Church Officers who are responsible for finances be bonded? Will the treasurer be bonded?
- Will there be a petty cash account and what controls will be put on its use?
- Should the organization allow "first person" checks that are not countersigned?

Answers to these questions will ensure the Church Officers that the organization's financial house is in order.

FUND RAISING

No group of people should display a greater degree of commitment to a non profit organization then its Church Officers. These individuals, who have agreed to serve the organization in a variety of ways, must set the tone for others. Church Officers must support the organization in spirit, encouraging others to be as enthusiastic about its programs and activities as they are, and must support the organization more tangibly with money, demonstrating that those closest to the organization are 100% committed to it. Church Officers must help raise money. Each Church Officers, in fact, should assist in some way with the fund raising effort. Some will feel uncomfortable doing direct solicitation, but, there are many other tasks involved in fund raising. Identification of prospective funding sources, list development and maintenance, letter writing, planning of events, proposal writing are many other related functions related to fund raising that need participation by board members. In selecting Church Officers, it is important to recruit people who have contacts in the funding community such as business people, wealthy individuals, and prominent citizens. Church Officers who can open doors will be a valuable asset to the organization.

Ultimately, an organization's list off Church Officers can itself be part of a fund raising strategy. While people should not be selected for name value alone, a blue ribbon "name" list can be put together as advisory committee.

STAYING WITHIN THE LAW

Churches have to follow many rules and regulations set by federal, state, and local governments. Assuming that they have a modest amount of financial activity, they must file financial reports with the United States Internal Revenue Service (Form 990) and with the state office handling public charities. They must fill out tax forms for employees, deduct taxes from paychecks, and deposit these funds periodically in an account at a local bank. They have to keep personnel records and may have to pay into a state unemployment insurance fund. They must maintain minutes of board meetings, keep updated copies of the Bylaws and Articles of Organization, and file a number of other documents with various agencies, often on an annual basis. While staff

members are generally responsible for actually doing the work, the Church Officers must monitor these activities for compliance and completeness. It is essential to remember that as stewards of the public trust, the Church Officers are responsible for overseeing compliance with legal requirements.

One of the most serious oversights in this area centers around withholding taxes. A surprisingly large number of not for profit organizations fail to make payments of withholding taxes on time; some fail to do so altogether and end up spending the government's tax money on other things. When the federal and state authorities discover this, they have little sympathy. Not only do they demand what is due them, but they charge interest on the monies not paid. The impact on the budget of a not for profit organization can be devastating. While staff member can walk away from the situation with nothing lost but their jobs and perhaps their reputations (and sometimes not even that), Church Officers are left to deal with the financial mess. For these reasons, even the smallest not for profit organization should have one lawyer and one accountant on the board. These people should be assigned the task of monitoring the legal and financial activities of the organization.

The responsibilities of Church Officers previously detailed suggest those skills and areas of knowledge that a board must collectively possess. A practical listing might include the following areas of expertise.

- o Not for profit Church Officer
- o Legal Matters
- o Financial/Accounting
- o Fund Raising (including: business/corporate, individual, public agency, foundation)
- o Personnel Management
- o Public Relations

Church Officers should also be familiar with the programs and activities that the organization sponsors, and all Church Officers should support the organization's mission. They should represent a variety of different backgrounds as well as various segments of the community, including different minority and ethnic groups that will give the board a broad vision and understanding of the true meaning of community and public service. In addition, specific not for profits may require Church Officers with other types of expertise and representation.

The purpose of having Church Officers with specific expertise is not to encourage encroachment on day-to-day activities that are the staff's responsibility but to provide a monitoring capability for the board. Such Church Officers expertise helps the board in formulating policy, reacting to staff recommendations, and choosing between alternate courses of action.

ATTENDANCE

Nothing undermines the effectiveness of a board more than absence from meetings. Participation by everyone is necessary if the board is going to operate effectively. Thus, it should be stated policy of the organization that attendance at board meetings is required. Beyond this, the board might adopt a policy that a set number of unexcused absences in a year

constitute an automatic resignation. If a Church Officers has a legitimate problem, such as an illness or death in the family, the president can excuse that Church Officers from a meeting. However, without such a legitimate excuse (and without approval of the president), the policy should be clear that the Church Officers is expected to be at all board meetings. A slightly more liberal policy might be developed for attendance at committee meetings.

FINANCIAL COMMITMENT

A not for profit organization should insist that every Church Officers make an annual cash contribution. This contribution requirement, as well as the other obligations of Church Officer, must be clearly articulated to potential Church Officers as part of the recruitment and invitation process. The " pocketbook test" is, in fact, one excellent way to separate those who will demonstrate commitment to the organization from those who will not.

THE CHURCH OFFICERS MANUAL

The "deadwood problem' is most prevalent when Church Officers lack a thorough understanding of the responsibilities of Church Officer and when they have the impression that serving on a board is more of a social function than a business function. To combat this problem, every organization should develop a **Church Officers' Manual**. Such a manual should be presented in loose-leaf form so that it can be updated regularly. The manual should include the following sections.

- Articles of Organization with Mission Statement (The actual incorporation papers are less critical than the language that defines the nature and function of the organization.)
- ByLaws (Bylaws are usually divided into "Sections"; each of these sections should begin on a new page to facilitate scanning for specific information.)
- List of current Church Officers with business and home addresses, phone numbers, and term expiration dates.
- List of committees and their respective members.
- List of staff members with titles and areas of responsibility.
- Brief (2-3 page) history of the organization.
- Description of roles, responsibilities, and requirements of Church Officers (This section should summarize the kind of information relating to general Church Officers responsibilities; it should then state the specific requirements-attendance, financial contribution, committee responsibility-that will be expected of everyone.)
- Minutes of current fiscal year meetings.

- Specific planning documents if available (A series of goal statements is often included here).

- The annual report from the last completed fiscal year (An annual report generally includes the audited financial statements. In lieu of annual report, a promotional booklet can be submitted along with the financial statements.)

Effective ministry in this legally dominated society requires an understanding of:

- The Law and the Pastor in general
- Pastor's Contractual Relationship to the Church
- Authority, rights, and privileges of the Pastor as it relates to property matters, marriage ceremonies, military duties, confidential counseling sessions, and discipline
- Liabilities of the Pastor: which include disciplining minor church members, defamation suits, child abuse, and contract liability
- Clergy Malpractice
- Social Security and Income Tax for Ministers
- The Law and the Church
- The Church as an Employer
- The Church and Private Schools.

In our professional ministry of providing legal services to ministers, churches, and religious organizations, we seek the opportunity to serve in the following ways:

I. Pastor-Church Relationships

A. Define with ministers and congregations, the relationship between Pastors and the church with respect to insurance, pension, and other benefits

B. Incorporating the church and obtaining tax exemptions

C. Assisting churches in negotiating contracts for purchase, sale, or renovation of real estate

D. Protecting the church and pastor in contractual relationships with:

1. contractors
2. recording companies
3. radio ministries
4. television ministries
5. magazines and newsletters
6. prison ministries

E. Assisting churches in retaining local legal counsel and to construct senior citizens homes and educational facilities.

II. Legal Education Seminars for Ministers

Wilson, Howard, P.C., provides educational seminars and information to ministers and designated church leaders on the most significant federal, state, administrative, and judicial developments in the fields of tax, corporate law, and religious freedoms which have impact on the church or its ministry programs.

III. Computer Training, Accounting, and Membership Services

A. Assistance with choosing, purchasing, and training of computer hardware and Church related software.

B. Full service accounting on a weekly, monthly, quarterly, or annual basis.

Wilson, Howard, P.C., provides legal services to several churches and religious and not-for-profit organizations including:

The Broadcast Ministers Alliance of Chicago, Inc.
Hope Tabernacle
Fellowship Missionary Baptist Church
Operation PUSH, Inc.
PUSH International Trade Bureau, Inc.
African American Religious Connection
St. Stephens AME Church
St. James Church of God in Christ
Logos Baptist Assembly

"Study to show thyself approved unto God, a workman that needeth not be ashamed, rightly dividing the word of truth." II Timothy 2:15

ANNUAL CHURCH LEGAL PLANNING QUESTIONNAIRE

This form should be completed for each entity operated by the Church

1. _____

Name Of Entity

_____

Legal Address

_____

City County State Zip

Telephone Number_____

Type of Entity ( ) Non Profit

2.State of Incorporation or Organization:_____

_____

Date Business began:_____

Where is original Charter, Trust:_____

Agreement or Other Organizing Instrument:_____

3. Name of Pastor/Chief Operator_____
4. How Long has the Pastor been associated with the Church:_____

GOVERNING BODY OF THE CHURCH

5. Deacons/Trustees/Steward/Joint Boards/Other Governing Body:
6. Officers of the Church

a. Chairperson of the governing boards

Name:_____

Address:_____

Phone:_____

b. Vice Chairperson

Name:_____

Address:_____

Phone:_____

c. President of key auxiliaries or boards

d. Secretary of the church

Name:_____

Address:_____

Phone:_____

f. Assistant Secretary/church clerk

g. Treasurer

TAXATION

7. Is the Entity Subject to: YES NO

a. Federal Income Taxes?

b. Federal Withholding Taxes?

c. State Withholding Taxes?

d. Municipal/County Withholding Taxes?

e. Unemployment Compensation Tax?

f. Separate Social Security?

g. Worker' Compensation?

8. Please state the home address and telephone number of the person(s) or firm responsible for:

a. Preparation

b. Signing

c. Filing

d. Copies of the returns for the last 5 years

Please indicate if the following taxes have been filed.

(If you are not required to file them, check "N/A")

a. Federal Income Taxes ___ ___ ___

(Last 6 years)

b. Federal Withholding Taxes ___ ___ ___

c. State Withholding Taxes ___ ___ ___

d. Municipal/County Withholding Taxes ___ ___ ___

e. Unemployment Compensation Tax ___ ___ ___

f. Separate Social Security ___ ___ ___

g. Worker' Compensation ___ ___ ___

HAVE YOU FILED THE NECESSARY EXEMPTIONS WITH THE APPROPRIATE STATE AGENCIES?

10. Give the name, address, and telephone number of the bookkeeper/accountant or other person(s) keeping the tax records.

11. I.R.S. Identification Number _____

12. What District Office are the Federal Taxes Files?

13. Have You Filed Returns with the Officer of Charitable Solicitations in the office of the Attorney General for your state

14. When was the last time you filed such a return?

15. List the last 5 years that Returns were filed with the Attorney General:

16. What years have you been audited by a government agency?

(List State Agency, date, statement of findings if any)

PAYROLL

17. What is your gross payroll in dollars for the past 5 years?:

18. Please list all paid employees and independent contractors below:

NAME TITLE GROSS ANNUAL SALARY BENEFITS

FINANCIAL

The following information is intended only to cover the basics. Please attach financial statements for the past three years inclusive, if available, Income Tax Returns also.

19. How much money was raised by the church from each of the following in the last fiscal year?:

Special Events: anniversary, men's day, women's day, youth day, revivals, institutes etc.

Grants

Other

Total

20. Do you have a budget for:

The next fiscal year

21. List all Bank Accounts owned by your organization:

Bank Name:

Account Name:

Account #:

Person(s) Authorized to Sign Checks:

Balance:

22. List all assets other than bank accounts owned by your organization as of date of incorporation:

List all existing debts owed by your organization from date of incorporation to the present:

24. Have you filed the following documents?

a. Reports with the Attorney General _____

b. Reports with the City/State Department of Revenue

_____

c. Property tax exemptions with the County Assessor

_____

CORPORATE MINUTES

Corporate Minutes:

Copies of the official corporate minutes should be included behind this sheet. This should include copies of all meetings of this fiscal year and also of the previous two fiscal years. If the minutes are extremely detailed, some detail sections may be omitted but this should be only on a rare exception. It is always better to have too much rather than too little. Be sure to review all copies for completeness. Your review should answer the following:

(1) Have all significant transactions been recorded?

a.	Real Estate	☐	YES	☐	NO
b.	Machinery, Equipment, Fixtures	☐	YES	☐	NO
c.	Notes or Accounts Receivable	☐	YES	☐	NO
d.	Notes or Accounts Payable	☐	YES	☐	NO

(2) Describe the nature of any contingent actions by the board that could have an effect on the statements or on the future statements.

(3) Does minute book include provisions for minister's housing allowance per Section 107 of IRS code? ☐ YES ☐ NO

(4) Check for Finance Committee or Deacons Committee, etc.

(5) _____

(6) Pastor Retirement

(7) Care of Spouse & Family upon death

(8) Purchase or acquisition of vehicles and property

Comments_____

_____

Review with_____ Date_____
Reviewed By:_____
Audit Partner:_____

_____ CHURCH, INC.

Rev._____ , PASTOR

BY-LAWS

ARTICLE I
Offices

The corporation shall maintain its principal office in the State of _____, County of _____ and the City of _____ . The corporation shall have and maintain in the State of _____ a registered office, and a registered agent whose office is identical with such registered office, as required by the _____ General Not For Profit Corporation Act. The registered office may be, but need not be, identical with the principal office of the corporation in the State of _____ , and the address of the registered office may be changed from time to time by the Board of Directors.

ARTICLE II
Governing Principles, Purpose Denominational Cooperation, and Preamble

Governing Principles:

The corporation is a religious organization which is independent but is an affiliate of, and conforms to the doctrines, rules and regulations of the National Missionary Baptist Convention, USA, Inc., and the _____ State Baptist Convention, as well as those set forth in the New Testament of the Bible, as an all sufficient basis of its doctrine and practice, and any subsequent revisions thereto.

Preamble:

Reposing our faith wholly in the Lord Jesus Christ for our salvation, believing in the teachings and practices of the Baptists and in those great distinctive principles for which they have ever stood, namely:

1. The pre-eminence of Christ as our divine Lord and Master.

2. The supreme authority of the Bible and its sufficiency as our only rule of faith and its practice.

3. The right of private interpretation and the competency of the individual soul in

direct approach to God.

4. A regenerate church membership.

5. The beautiful, symbolic ordinance of believer's baptism in obedience to the command of Christ.

6. The complete independence of the local church and its interdependence in associated fellowship with other Baptist churches.

7. The solemn obligation of majority rule, guaranteeing equal rights to all and special privilege to none.

8. A world wide program of missionary fervor and evangelism in obedience to the final command of Jesus.

We, therefore, band ourselves together as a body of baptized (immersed) believers in Jesus Christ and adopt for our government, plan of worship.

Purpose:

The purposes of this Church corporation shall be to engage in religious worship services and to conduct religious activities directed towards the advancement of the Kingdom of Jesus Christ and it shall seek to attain this end through public worship of God, preaching of the Gospel, constant Christian living by its members, personal evangelism, missionary endeavor and Christian education. In furthering the purposes of the Church, _____ Baptist Church, **Inc.**, shall support the undertakings of Christian organizations to the best of its ability. It may also send delegates to other Christian organizations with similar objectives on recommendation of the Pastor and vote of the Church.

Denominational Cooperation:

In furtherance of its aforesaid purposes the _____ **Baptist Church, Inc.,** shall cooperate with the National Baptist Convention, USA, Inc., and the _____ State Baptist Convention.

ARTICLE III
Members

SECTION 1. ADMISSION TO MEMBERSHIP. Members shall be admitted in accordance with the rules therefor as set forth in these By-laws and commonly accepted by Baptist churches.

1. Any person professing faith in the Lord Jesus Christ, giving evidence of a change of heart, and adopting the views of faith and practice held by this church,

as set forth in the foregoing Declaration, may, upon baptism, be received into its membership.

2. Candidates for baptism or membership by experience or by letter shall be recommended by the Deacons, after which candidates shall state their desire to the church, and shall be voted upon by the body. A unanimous vote is desirable.

3. Those who have once been members of Baptist Churches and in consequence of any peculiar circumstances have no regular letters of dismissal, may be received by giving satisfactory evidence of a change of heart, Christian conduct, and Scriptural faith.

4. Excluded members may be restored to fellowship on confession their errors and evidence of repentance.

SECTION 2. ACTIVE AND INACTIVE MEMBERS. The Financial Secretary and Membership committee shall maintain a list of active members and inactive members.

1. An active member is one who attends regularly the worship services of the Church, contributes consistently to the financial support of the Church and participates in the programs of the Church (unless hindered by reason dictated by a good conscience to the satisfaction of the Church). No active member shall be placed on the inactive list until notified of the delinquency.

2. An inactive member is one who fails to regularly attend worship services, does not make regular financial contributions to the Church and does not participate in the programs of the Church. Persons physically able are expected to make financial contributions to the Church. An inactive member shall be denied the privilege of voting on matters coming before the Church and shall be ineligible to hold office in the Church. When an inactive member has become faithful in attendance, contributing and serving the Church for a period of at least three (3) months, he or she may, on recommendation of the Pastor and approval of the Church, by a majority vote of active members, be returned to the list of active members.

SECTION 3. DISCIPLINE OF MEMBERS. Each member must realize that to remain a member in good standing he must live an exemplary life. The reputation of the Church is in the hands of its members. Unchristian conduct by any member damages the Church and by reason thereof, subjects a member to disciplinary action as follows:

1. Each member must be as faithful in attendance at Church services and meetings as is humanly possible and each member must support the spiritual life of the Church through prayer and service, and must support the financial life of the Church by contributing consistently and liberally according to the means which God has seen fit to provide him or her. Moreover, each member must conduct himself or herself at all times in such a manner as to uphold the standards of

Christianity and of this Church.

2. Private offenses occur when one member wrongs another. These wrongs should be dealt with privately.

Administrative Complaint Resolution Procedures

The procedures for complaint resolution are based on the scriptural reference found in the Holy Bible, in the book of St. Matthew, Chapter 18:15-19: "Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone; if he shall hear thee, thou has gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses, every word may be established. And if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as an heathen man and a publican. Verily I say unto you, whatsoever ye shall bind on earth shall bound in heaven; and whatsoever ye shall loose on earth shall be loosed in heaven. Again I say unto you, that if two of you shall agree on earth as touching any thing that they shall ask, it shall be done for them of my Father which is in heaven."

Accordingly, any member good standing, desiring to register a formal complaint concerning the Church, its administration or any of its corporate affairs may do so in accordance with the following procedures:

a. The member seeking to register a formal complaint shall first reduce the complaint to writing stating the member's name, address, telephone number and a brief statement of the matters complained of.

b. The member registering the complaint shall submit the written complaint to the administrator(s), responsible for the matters complained of and request a response, which response shall be provided, in writing, to the complainant within fourteen (14) days.

c. If the response received does not result in a resolution of the matters complained of, or if no response is received by the expiration of the period provided for a response, the complainant shall submit a copy of his/her complaint and the response (if any) to the Chairman and/or Vice-Chairman of the Board of Deacons and Trustees serving as the Board of Directors of the corporation, and request a response, which response shall be provided, in writing, to the complainant, within ten (10) days.

d. If the response received still fails to result in a resolution of the matters complained of, the Board of Directors in conjunction with the Pastor as president, may, in its discretion, submit the matter to the membership for consideration, in a manner consistent with the procedures therefore, as established by the provisions contained in the Church Constitution, the Holy Bible and these by-laws.

e. No formal complaint concerning the administration of the church its administrators or its corporate affairs shall be entertained, decided or considered except and unless presented in accordance with these procedures.

f. In accordance with the guidelines therefor, as set forth in I Corinthians 6:1, all complaints for which resolution is sought shall first be presented in the Church, to its administrators, in accordance with these procedures, prior to the publication, communication, or attempt to obtain redress of said complaints in any forum outside the confines of the Church including, but not limited to, legal proceedings. Failure of any complainant to adhere to these procedures shall constitute grounds for terminatation of the membership status of such person.

SECTION 4. ANNUAL MEMBERSHIP. Annual membership registration is required. Each member is required to attend prayer meetings and Bible Church school sessions. A member is required to give his or her tithe (10% of income) or offering to the Church weekly, monthly, bimonthly or yearly. New members are required to attend Orientation Class for Twelve weeks.

SECTION 5. VOTING RIGHTS. Each active member shall be entitled to one vote on each matter submitted to a vote of the members. Subject to such rules regulations and other provisions as may be found elsewhere in these By-laws or established from time to time by the Board of Directors and the Pastor.

SECTION 6. TERMINATION OF MEMBERS. Members may be terminated from membership in this Church:

a) On submission of a letter for the purpose of uniting with some other Baptist Church of the same faith and order.

b) On request of the member for removal of his name from the _____ **Baptist Church, Inc.**, membership roll.

c) By the withdrawal of the hand of fellowship on recommendation of the Pastor and on vote of the Church membership, because of conduct by a member unbecoming a Christian.

SECTION 7. NO MEMBERSHIP CERTIFICATES. No membership certificates of the corporation shall be required, but membership certificates may be issued at the discretion of the corporation.

ARTICLE IV
Meetings of Members

SECTION 1. ANNUAL BUSINESS MEETINGS. The annual business meeting shall be the regular **December** meeting of the congregation at which time the Church shall receive the annual reports of the individual officers, boards and committees of the Church and its auxiliary organizations, appoint officers for the ensuing year and shall transact such other business as is proper to come before the meeting.

SECTION 2. DEVOTIONAL MEETINGS. The Church shall meet regularly each Lord's Day for worship and the preaching of the Gospel, or for religious service which may exclude preaching. The Church shall meet for the observance of the Lord's Supper upon the first Lord's day of each month and the individual officers, boards and committees of the

Church and its auxiliary organizations, may appoint officers for the ensuing year and shall transact such other business as is proper to come before the meeting.

SECTION 3. SPECIAL MEETINGS. Special meetings of the members may be called by the Pastor/President at least seven (7) days prior to said meeting properly informing at least a quorum of the membership.

SECTION 4. PLACE OF MEETING. The Pastor, as presiding officer of the Board of Directors may designate the Church or any alternative place as the place of meeting for any annual meeting or for any special meeting of the members. If no designation is made or if a special meeting be otherwise called, the place of meeting shall be the Church.

SECTION 5. NOTICE OF MEETING. Notice of meetings shall be provided in such form as the Pastor, as presiding officer, shall establish, consistent with the rules therefor as set forth in the By-laws, stating the place, date, and hour of any meeting of members and shall be published or otherwise communicated to each member entitled to vote at such meeting at least 5 to 10 days prior to the date of the meeting, except in cases of emergency. In case of a special meeting or when required by statute or by these by-laws, the purpose for which the meeting is called shall be given in the notice. If mailed, the notice of a meeting shall be deemed delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid.

SECTION 6. INFORMAL ACTION BY MEMBERS. Any action required to be taken at a meeting of the members of the corporation, or any other action which may be taken at meeting of members, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by a majority of the members entitled to vote with respect to the subject matter thereof.

SECTION 7. QUORUM. A quorum for business meetings shall consist of not less than 66 percent of the Active Membership in attendance. All business meetings shall be conducted under Robert's Rules of Order or methods acceptable to the Church. If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting from any time without further notice. At any adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the original meeting; withdrawal of members from any meeting shall not cause failure of a duly constituted quorum at that meeting.

ARTICLE V
Board of Directors

SECTION 1. GENERAL POWERS. The fiscal, fiduciary, and programmatic responsibility for the affairs of the Church shall reside in the Board of Directors which shall act in cooperation with the Pastor for the guidance, nurture, and leadership of the spiritual life of the Church. All activities of the Board of Directors relative to the mortgaging encumberancing, selling or conveying of any Church property shall be done upon the direction of the Pastor

SECTION 2. CHAIRMAN OF THE BOARD. The Pastor shall serve as Chairman of the Board of Directors.

SECTION 3. NUMBER, TENURE AND QUALIFICATIONS. The nominees to be elected to serve on the Board of Directors shall be recommended to the Church by the Pastor at the annual meeting of the Church, subject to the approval of the Church body. Each Director shall hold office until the next annual meeting of members and until his successors shall have been appointed and qualified. Directors must be active members of _____ **Baptist Church, Inc.** The number of Directors shall five (5) and maybe increased or maybe decreased by the Pastor and the Church body by amendment of this section, unless the **articles of incorporation** provide that a change in the number of Directors shall be made only by amendment of the **articles of incorporation**.

SECTION 4. REGULAR MEETINGS. A monthly meeting of the Board of Directors shall be held as needed without other notice than these by-laws, immediately after, and at the same place as, the annual meeting of members. The Board of Directors may provide by resolution the time and place, for the holding of additional regular meetings of the board without other notice than such resolution.

SECTION 5. SPECIAL MEETINGS. Special meetings of the Board of Directors may be called by or at the request of the Pastor as Chairman.

SECTION 6. NOTICE. Appropriate notice of any special meeting of the Board of Directors shall be given at least two days prior thereto to each Director at his/her address as shown by the records of the corporation. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. If notice be given by facsimile transmission or telegram, such notice shall be deemed to be delivered when the telegram is delivered to the recipient. Notice of any special meeting of the Board of Directors may be waived in writing signed by the person or person entitled to the notice either before or after the time of the meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board need be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these by-laws.

SECTION 7. QUORUM. A majority of the Board of Directors present shall constitute a quorum for the transaction of business at any meeting of the board, provided that if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting to another time without further notice.

SECTION 8. MANNER OF ACTING. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by statute, or these by-laws.

SECTION 9. VACANCIES. Any vacancy occurring in the Board of Directors to be

filled by reason of an increase in the number of Directors shall be filled in accordance with the rules therefor as set forth in the by-laws. A Director appointed to fill a vacancy shall be appointed for the unexpired term of his/her predecessor in office. Upon the death, resignation, or mental and/or physical incapacity of the Pastor of the Church, as presiding officer of the Board of Directors, such vacancy shall be filled in accordance with the rules therefor as set forth by the Pastor at the annual Church meeting.

SECTION 10. COMPENSATION. Directors shall not receive any stated salaries for their services, but by resolution of the Board of Directors, a fixed sum and expenses of attendance, if any, may be allowed for each regular or special meeting of the board, provided that nothing herein contained shall be construed to preclude any Director from serving the corporation in any other capacity and receiving reasonable compensation therefor.

ARTICLE VI
Officers

SECTION 1. OFFICERS. The officers of _____ **Baptist Church, Inc.**, shall be a President, who is the Pastor, Deacons, Advisory Trustees, Corporate Secretary, Chairman of the Finance Committee, Treasurer, a Financial Secretary, and such other officers as may be appointed by the Pastor, consistent with the provisions of the By-laws. Officers whose authority and duties are not prescribed in these by-laws shall have the authority and perform the duties prescribed by the Board of Directors from time to time.

SECTION 2. TERM OF OFFICE. The officers of the corporation shall be recommended for confirmation to the Church by the Pastor at the annual meeting of the Church. They shall serve in these offices for a term of one (1) year or until their successor are confirmed and must conform to the rules therefor as set forth in the by-laws at the regular annual meeting of the membership. If the recommendation and confirmation of officers shall not be held at such meeting, such recommendation and confirmation shall be held as soon thereafter as conveniently may be. Recommendation of an officer shall not, of itself, create contract rights. The Pastor, shall serve as President, for a perpetual renewable term subject to the provisions of Section 5 hereafter.

SECTION 3. REMOVAL. Any officer recommended for confirmation or appointed by the Pastor may be removed by the Pastor, pursuant to the provisions therefor as set forth in the by-laws, whenever in his judgment the best interests of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

SECTION 4. SELECTION. Selection of the Church officers provided for in these by-laws shall be held a the annual business meeting of the Church which shall be the regular October meeting of the Congregation. Officers of the Church shall be recommended by the Pastor and approved by the Church. No member of the Church under the age of eighteen (18) shall be qualified to vote in these elections.

SECTION 5. VACANCIES. Vacancies occurring in any office other than Pastor during the year may filled for the unexpired term, at any regular business meeting of the Church.

1. Vacancies in the office of Pastor/President occurs upon the death or resignation of the Pastor/President or at a regular or special meeting, if 2/3 of the active members eligible and present vote by a 2/3 vote of those present, after due notice shall have been given as set forth in sub-paragraph 3 hereof to declare the pulpit vacant.

2. Upon the declaration of Vacancy of the Pulpit and within (60) days of such declaration, a Pulpit committee shall be formed consisting of eleven (11) active members, provided that such committee shall contain at least two (2) members each from the Deacon Board, and the Advisory Trustee Board together with seven (7) at-large active members, all of whom must be elected by a quorum of the active membership at regular or special meeting.

3. All pastors shall be called for a perpetual period. Should the Church desire to dissolve the pastoral relationship, with a living Pastor currently serving, the Pastor shall be given three (3) months' written notice of the Church's intention, during which time the Church is responsible for the continuation of the Pastor's salary and housing. However, the Church may pay him/her three (3) months salary and housing and resume possession of the pulpit and parsonage. (S)He may be dismissed by a vote of 66% of the current active members who are in good standing. Only members of the Church in good standing shall be privileged to vote on matters involving the calling or dismissal of a Pastor. The Corporate Secretary in cooperation with the Church Clerk and Financial Secretary shall certify the list of active members eligible to vote prior to the meeting at which such a vote is to be taken, and such eligibility shall be based upon evidence of:

   a) Regular attendance of at least 1/3 of the regular Sunday worship services and the Wednesday prayer services for the three (3) month period immediately prior to the date on which the vote is scheduled to be taken, and

   b) Regular financial contributions to the Church for the three (3) month period immediately prior to the date on which the vote is to be taken, and

   c) Be at least fifteen (15) years of age.

4. _____ **Baptist Church, Inc.**, believes and accepts the doctrine that Pastors are appointed over the Church by the direction of the Holy Spirit. Acts 20:28. Members are obligated to accept and follow pastoral leadership as the Pastor follows the leadership of Christ. 1 Cor. 11:1.

SECTION 6. PRESIDENT. The Pastor shall be the president of the corporation. The President shall supervise and work with of Board of Directors, and shall understand and cooperate with the purpose and programs of the Church; he shall be in charge of the business and affairs of the corporation; he shall see that the resolutions and directives of the Board of Directors as to temporal corporate affairs are carried into effect except in those instances in which that responsibility is assigned to some other person by the By-laws; he shall have the authority to name an Assistant-Pastor to assist in the performance of Pastoral duties and, in general, he shall discharge all duties incident to the office of President. He shall represent the Church in the meetings of the denomination organizations. He shall preach the Gospel. He shall preside at all meetings of the members and of the boards unless such duty is expressly delegated to another officer or agent of the corporation or a different mode of execution is expressly prescribed by these by-laws. He may execute for the corporation any contracts, deeds, mortgages, bonds, or other instruments which the Board of Directors has authorized to be executed, and he may accomplish such execution either under or without the seal of the corporation and either individually or with the corporate secretary, any assistant secretary, or any other officer thereunto authorized by the Board of Directors, according to the requirements of the form of the instrument. He may vote all securities which the corporation is entitled to vote except as and to the extent such authority shall be vested in a different officer or agent of the corporation by the Board of Directors.

SECTION 7. Compensation of and benefits of the Pastor shall be established in accordance with the provisions therefor as set forth in these by-laws, or by resolution of the Board of Directors.

SECTION 8. TREASURER. The Treasurer shall be the principal accounting and financial officer of the corporation. He shall: (a) have charge of and be responsible for the maintenance of adequate books of account for the corporation; (b) have charge and custody of all funds and securities of the corporation, and be responsible therefor, and for the receipt and disbursement thereof; and (c) perform all the duties incident to the office of treasurer and such other duties as from time to time may be assigned by him/her by the president or by the Board of Directors. If required by the Board of Directors, the treasurer shall give a bond for the faithful discharge of his/her duties in such sum and with such surety or sureties as the boards of Directors shall determine. The treasurer shall be bonded in an amount to be determined by the Board of Directors and the premium for such band shall be borne by the Church.

SECTION 9. CORPORATE SECRETARY. The Corporate Secretary or such Assistant Secretaries as may be appointed for that purpose shall record the minutes of the meetings of the members and of the boards of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provision of these by-laws or as required by law; be custodian of the corporate records and of the seal of the corporation; keep a register of the postoffice address of each member which shall be furnished to the secretary by such member; and perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him or her by the president or by the Board of Directors.

SECTION 10. ASSISTANT TREASURERS AND ASSISTANT

SECRETARIES. The assistant treasurers and assistant secretaries shall perform such duties as shall be assigned to them by the treasurer or the secretary, respectively, or by the president or the Board of Directors. If required by the Board of Directors, the assistant treasurers shall give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board of Directors shall determine.

SECTION 11. CHURCH CLERK. The Church Clerk shall keep a full and complete record and minutes of all meetings of the Church and shall keep a record of persons received and dismissed as members of the Church. The Clerk shall maintain a roster of active members and inactive members. The Clerk shall be in charge of the official correspondence of the Church, the making of denomination reports and shall be responsible for recording of all official papers, records and deeds of the Church and shall notify delinquent members of their status at the end of two months failure to contribute to the Church thus allowing them thirty (30) days to rectify their delinquency or make a satisfactory explanation to the Deacon Board. The Clerk shall report delinquent members to the Pastor and Board of Deacons.

SECTION 12. ASSISTANT CLERK. The Assistant Clerk shall assist the Clerk in the above duties.

SECTION 13. FINANCIAL SECRETARY. The Financial Secretary shall keep a record of the financial pledges made by each member and shall keep the account of each member, showing contributions received for each fund. The Financial Secretary shall inform the Clerk of member's delinquency of two months duration. The Financial Secretary shall make an annual report to the Church of the spiritual and financial condition of the Church.

ARTICLE VII
Board of Deacons

SECTION 1. GENERAL POWERS. The Board of Deacons shall be principally responsible to assist the pastor in conducting the spiritual matters of the Church. The Board of Deacons is also, however, empowered to take care of emergencies dealing with the physical needs of the Church where prompt action is essential. In the event of such emergency, the Pastor must likewise be notified. Any such emergency action requires the presence of at least one third (1/3) of the Board of Deacons and a written record of the meeting involving such emergency action, including the names of the Deacons present and the action taken shall be submitted to the Board of Directors and to the full Board of Deacons at its next regular meeting. Except as herein provided, the Board of Deacons may recommend to the Board of Dirctors what action shall be taken relative to the physical needs of the Church. The Board of Deacons shall be authorized to expend out of Church funds, amounts not exceeding $1,000.00 for maintenance and miscellaneous expenditures.

SECTION 2. REGULAR MEETINGS. The Board of Deacons shall hold regular meetings to examine material needs of the Church. They shall report their findings to the Pastor with recommendations for action.

SECTION 3. DEACONS. _____ **Baptist Church, Inc.**, accepts the doctrine that Deacons are the only officers of the Church other than the a Pastor, designated in the Holy Scriptures. Deacons shall be appointed to office by the Pastor, with the approval of the Church. Acts 6:3. The Deacons shall care for the table of the Pastor, the table of the Lord and the table of the poor. They shall be the helper of the Pastor. In order that the programs of the Church in all of its spiritual aspects be successfully be carried out. The Board of Deacons shall lead the prayer services and in the absence of the Pastor, shall conduct the spiritual affairs of the Church. They shall be foremost in exhibiting loyalty to the spiritual activities of the Church and full cooperation in the financial endeavors. Their appointment shall be based on their outstanding evidence of sincerity and leadership in spiritual affairs. Since Deacons are appointed by the Pastor they may be dismissed by the Pastor.

SECTION 4. DEACONESSES. The Deaconesses shall be appointed in the same manner as Deacons (excepting ordination). They shall assist the Pastor in developing the spiritual life of the women and girls of the church for the best possible Christian service. They shall cooperative with the Pastor and Deacons in visiting the members, in the care of the sick, needy and distressed members of the Church and in the preparation of the ordinances of the Church, Baptism and Communion.

ARTICLE VIII
Auxiliaries

SECTION 1. AUXILIARIES OF THE CORPORATION. The Board of Directors, by resolution adopted pursuant to the provisions of the by-laws, may designate one or more of the following Auxiliaries: Finance Committees, Membership Committee, Advisory Board, Christian Education Committee, Baptist Training Union, Mothers Board, Department of Missions and Ministries, Sunday School, Pulpit Committee, and other appropriate auxiliaries, which, to the extent provided in said resolution and not restricted by law or the Constitution of the Church, shall have and exercise the authority conferred thereby in the furtherance of the purposes of the corporation; but the designation of such auxiliaries and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon it or him by law. Members of each such auxiliary shall be members of the corporation, and the Pastor, as president of the corporation, shall approve the officers thereof. Any member thereof may be removed by the person or persons authorized to approve such member whenever in their judgment the best interests of the corporation shall be served by such removal; upon the Board of Directors approval or the Pastors approval.

SECTION 2. TERM OF OFFICE. Each officer of an auxiliary shall continue as such until the next annual meeting of the members of the corporation and until his successor is elected or appointed, unless the auxiliary shall be sooner terminated, or unless such officer be removed from such auxiliary, or unless such officer shall cease to qualify as a member thereof.

SECTION 3. RULES. Each auxiliary may adopt rules for its own government not inconsistent with these by-laws or with rules set forth in by the Board of Directors.

SECTION 4. FINANCE COMMITTEE. The Finance Committee shall consist of the Clerk, the Treasurer, and three (3) other persons elected by the Church. They shall receive the monies contributed at Church services or raised through special efforts. They shall be responsible for an accurate accounting of these monies which shall be turned over to the Treasurer for the Church purposes.

SECTION 5. MEMBERSHIP COMMITTEE. The Membership Committee shall be composed of five (5) persons who are active members of the Church. They shall meet with new members and explain to them the rules and responsibilities of membership as well as the basic programs of the Church, determine what special talents the new members may possess and suggest and encourage the new members as to how best to employ these talents in the service of the Church.

SECTION 6. ADVISORY TRUSTEE BOARD. The Advisory Trustee Board shall consist of the Pastor and such persons as the Pastor shall appoint including Deacons. The Pastor shall serve as moderator and in his absence the Chairman of the Deacons shall so serve. This board shall evaluate the programs of the Church and correlate the religious and business policies of the Church. Its duties shall be purely advisory and its recommendations are not final until approved by the Church. The Church may grant the Advisory Board special privilege to complete an action voted on by the Church. The Pastor is privileged to present his recommendations directly to the Church. All other recommendations must be considered by the Board of Directors before being presented to the Church. In the case of a disagreement on the final wording of a recommendation, a minority of three (3) Advisory Trustee Board members may present a recommendation to the Church expressing its opinion. However, the Board of Directors and the full Advisory Trustee Board must first be notified of the intention of the minority Advisory Board members seeking to prsent such recommendation. The Advisory Trustee Board shall also coordinate the activities of all committees, departments and groups which act within or under the sponsorship of the Church.

SECTION 7. PULPIT COMMITTEE. When it is necessary to call a Pastor to fill a vacancy in the Pulpit, a Pulpit Committee shall be established in accordance with the provisions of Article VI Section 3, sub-paragraph 2, on vacancies in the office of the Pastor. It shall be the duty of this committee to take the necessary steps to secure a Pastor. They shall receive applications and invite desirable applicants to the Church. They shall investigate the merits of every minister to be considered in regards to his personal character, education, ministerial record and preaching ability and overall fitness for said pastorate. When the committee has chosen a suitable minister, the committee shall recommend him to the Church for consideration. If he is rejected, the committee shall submit further recommendations until a Pastor is chosen. Voting may be by secret ballot or by public ballot, as determined by a majority of the active members present at the meeting. The salary of the Pastor shall be determined at the time of the call. It may be revised at any meeting of the Church. Other benefits and considerations may be determined at this meeting and likewise, may be revised at any subsequent meeting.

ARTICLE IX
Financing

Financing the Church is by Tithes and Offerings. The Duplex envelope system is used to receive these offerings. One side is for current expense and the other side for World Service, which includes missions, benevolence, education and other worthy objectives. Each member of the Church should receive a package of envelopes and fill out a pledge card each year. No member shall be compelled to abide by his pledge if he notifies the Church of his or her inability to do so. However, any member who fails to fill out a pledge card without a justifiable reason, shall be considered out of harmony with the rules and regulations of the Church and shall be placed on the inactive list until he complies with these regulations.

The Church shall maintain a common treasury for all organizations of the Church. Clubs and axillaries maintain their own treasuries only upon written authorization from the Pastor and Board of Directors. However, they do so with the understanding that all funds in their possession are under the direct supervision of the Church. The Church reserves the right to draw on these funds whenever the need arises. Each club is expected to report a stipulated sum to the Church each year. This money should be paid to the Clerk monthly until the entire amount is paid.

The Church shall adopt a budget at the beginning of each fiscal year and seek to acquaint each member and auxilliary or club with the budget, so that each member will be aware of the financial needs and objectives of the Church and thereby determine his financial support of the Church's programs.

ARTICLE X
Contracts, Checks, Deposit, and Funds

SECTION 1. CONTRACTS. The Board of Directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these by-laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation and such authority may be general or confined to specific instances.

SECTION 2. CHECKS, DRAFTS, ETC. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors and consistent with the provisions of these by-laws. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Pastor, as president, and countersigned by the Treasurer or Secretary of the corporation.

SECTION 3. DEPOSITS. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositaries as the Board of Directors may select.

SECTION 4. GIFTS. The Board of Directors may accept on behalf of the corporation any contribution, gift, request or devise for the general purposes or for any special purpose of

the corporation.

ARTICLE XI
Certificates of Membership

SECTION 1. CERTIFICATES OF MEMBERSHIP. The Board of Directors may provide for the issuance of certificates evidencing membership in the corporation which shall be in such form as may be consistent with the provisions of the by-laws.

ARTICLE XII
Books and Records

The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and of all auxiliaries consistent with the requirements of the by-laws, and shall keep at the church or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the corporation may be inspected by any member, or his agent or attorney for any proper purpose at any reasonable time.

ARTICLE XIII
Fiscal Year

The fiscal year of the corporation shall begin on **Fourth Sunday of December** and close the day prior to the **Fourth Sunday of December** of the following year.

ARTICLE XIV
Seal

The corporate seal shall have inscribed thereon the name of the corporation the words "Corporate Seal, _____ ".

ARTICLE XV
Waiver of Notice

Whenever any notice is required to be given under the provision of the General Not For Profit Corporation Act of _____ or under the provisions of the **articles of incorporation** or the by-laws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XVI
Amendments

The power to alter, amend, or repeal the by-laws or adopt new by-laws shall be at any regular or special business meeting of the Church by a two thirds (2/3) vote of those active members eligible and present for voting, provided that notice of such amendment stating the proposed change shall have been given from the Pulpit on two (2) successive Sundays prior to the said meeting or otherwise provided in the **articles of incorporation** or the by-laws. Amendments may be suggested by any member in good standing of _____ **Baptist Church, Inc.**, by delivering a copy in writing of said

proposal to the Church Clerk. The minutes of the meeting at which such proposal is considered shall set forth and the proposed amendment in full, together with the action of the _____ **Baptist Church Inc.**, thereon. The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the **articles of incorporation**.

ARTICLE XVII
Rules of Order

The rules contained in Robert Rules of Order shall govern the business proceedings of _____ **Baptist Church, Inc.**, whenever procedure is not prescribed by this set of By-Laws but may be suspended when informality so requires.

ARTICLE XVIII
Corporate Resolution Adopting By-Laws & Dissolution Clause

The Board of Directors of _____ **Baptist Church, Inc.**, an _____ General Not-For-Profit Corporation hereby adopt the following resolution to be incorporated into the by-laws of the corporation:

WHEREAS, _____ **Baptist Church, Inc.**, desires to be exempt from Federal Taxation in accordance with Section 501 (c) (3) of the Internal Revenue Code that contributions made to it be deductible in accordance with Section 170, et. seq., of the Internal Revenue Code of 1986 as amended, and,

WHEREAS, _____ **Baptist Church, Inc.**, an _____ Not For Profit Corporation, is organized exclusively for charitable, educational and religious purposes within the meaning of Section 501 (c) (3) of the Internal Revenue Code.

NOW, THEREFORE, BE IT RESOLVED, THAT: The **Articles of Incorporation and By-Laws of the corporation** shall include the following:

DISSOLUTION CLAUSE: Upon dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of all the assets of the corporation consistent with the purpose of the corporation in such manner, or to such other Christian Baptist Church organization or other organizations organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501 (c) (3) of the Internal Revenue Code of 1986 (or the corresponding provisions of any future United States Internal Revenue Law), as the Board of Directors shall determine. Any such asset not so disposed of shall be disposed of by the Circuit Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

IN WITNESS WHEREOF, we have set our hands this_____day of _____, in the year of our Lord, 199____, indicating that we have read the foregoing By-laws and hereby adopt them as written.

_____
PASTOR/PRESIDENT

_____ SEAL
VICE-PRESIDENT

_____
TREASURER

ATTEST:_____
CORPORATE SECRETARY

DATE:_____

CHECKLIST FOR PASTOR'S BENEFIT RESOLUTION
Tax Implications

Employment Taxes

Section 3121(b)(8)(B), at paragraph 1402© of the Internal Revenue Code of the United States provides that all ministers, including those who report their income as employees for federal income tax purposes, are considered to be Self-Employed for Social Security Tax purposes. Accordingly, while a Minister who is an employee of a Church or religious organization, may have his/her income tax withheld by the employing church or organization, the church or organization need NOT withhold the Employee's share of FICA (Soc.Sec. Tax) nor pay the Employer's share (7.65% of wages) of FICA for said minister. The Minister is required to compute and report his Soc.Sec.Taxes on IRS Schedule SE for self employment taxes.
(Note: This provision does NOT apply to any non-minister employees of the Church or organization.)

Church Business Related Activities Expenses Reimbursement

While, for record keeping and accountability purposes, it is preferable that the Church or religious organization acquire and issue to the minister in its employ, a business credit card which can be used for those business and professional expenses which the Church will bear, in the absence of such a credit card it is prudent for the church or organization to adopt an Accountable Reimbursements Plan. Such a plan provides for reimbursement of those expenses that are substantiated as to amount, date, place and business purpose within 60 days of the date incurred. Under proper accounting procedures, all church business expenses which are reimbursed are to be included in the employee-minister's taxable income, however, the failure of the church to adopt an accountable reimbursements plan may result in the minister's inability to claim any offsetting deduction of such expenses.

In the absence of an adopted Accountable Reimbursements Plan, any church allowances or reimbursements paid under a "non-accountable plan" (expenses reimbursed without substantiation) must be added to the gross income of the minister and are subject to income tax withholding if the minister is an employee. Indeed such allowances or reimbursements must be reported in the W-2 form issued to the ministerial employee.

Business transportation expenses are to be computed at a rate of $0.29 cents per mile for tax purposes. and only 50% of business meals and entertainment

expenses are deductible. These business expenses would be reported on Schedule C of a minister's 1040 as well as on Form 2106. A Church or other religious organization which employs a minister may wish to provide a gasoline credit card for automobile expenses as well as a church corporate credit card for travel, meals, lodging and professional expenses incurred on behalf of the church by the minister in the course of performing his/her ministerial duties. Such an arrangement avoids the necessity of trading paper and receipts between the minister and the church for reimbursement purposes while establishing an acceptable paper trail for tax purposes. Moreover, the church would pay the expenses directly and thus the amount of such expenses would NOT be included in the employee-minister's gross income.

An even more advantageous arrangement for tax purposes would be the provision to the minister/employee of a church owned vehicle. It is necessary, however, that the church employer doing so maintain in its records a policy statement reflecting the fact that the vehicle is NOT to be used for personal use but only in connection with church related business activities. Under such an arrangement, the minister/employee's use of such vehicle is a non-taxable, non-cash "working condition fringe benefit."

Ministers' Housing Allowance

Section 107 of the Internal Revenue Code of the United States provides that the gross income of a minister of the gospel does NOT include an amount paid to him/her as a housing allowance to the extent that said allowance is actually used to provide a home for himself/herself. Section 265(a)(6) allows ministers to deduct mortgage interest on their homes even though they receive a parsonage or housing allowance that is excludable from gross income.

Health/Accident Plans

Under Section 106 of the Code and Section 1.106-1 of the regulations the amounts paid by a Church or religious organization employer for Health and accident insurance plans for the benefit of its employees, including its employee/minister are excludable from the employees' gross income. (Note: the Church employer must have adopted a non-discriminatory plan covering all full time eligible employees)

Consequently, a Church employee/minister who pays his/her own health insurance premiums directly to an insurance company and is reimbursed by the church for the amount of such premiums does NOT have to include or report the amount paid for premium reimbursement as income for tax purposes ***SO LONG AS THE CHURCH PLAN REQUIRES VERIFICATION THAT THE INSURANCE***

COVERAGE EXISTS, AND THAT THE EMPLOYEE/MINISTER DID IN FACT, PAY THE PREMIUMS. (See IRS Ltr.Ruling 90022060)

Retirement/Pension Plans

Another area in which tax planning can result in significant savings for both the Church employer and its employees/ministers, is the area of Retirement and Pension Plans.
Under section 403(b) of the Internal Revenue Code, Churches may establish Simplified Employee Pension Plans (SEP). To do so a Church employer merely must complete and retain in its records (but need NOT file with the IRS) an IRS form 5305-SEP. There are several IRS rules regarding any Tax deferral pension plan and such a plan should only be adopted after consultation with competent tax accountants or other tax professionals. However, the basic rules for such plans are:

1. The employer must not discriminate in its contributions to such a plan, ie. it must make a contribution for each employee who (a) is 21 years of age or older (b) has performed services for three (3) of the last five (5) calendar years and was paid compensation by the employer of at least $396 dollars per year.
2. Each employee's right to the pension funds contributed by the employer must be unconditional and 100% vested.
3. Employer's contributions must not discriminate in favor of "highly compensated employees."

Under a SEP (Simplified Employee Pension Plan) **amounts contributed by a Church employer are excludable from the gross income of the employee.**

One of the most popular retirement funding vehicles for ministers is the **TAX SHELTERED ANNUITY**. These annuities are governed by the provisions of section 403(b) of the Internal Revenue Code and have certain restrictions or limitations. They may be purchased by the Church employer only for employees of the church which are subject to the will and control of the church. The usual nondiscrimination rules for employee benefit plans do NOT apply for tax-sheltered annuity plans of churches. There are, however, limitations on the amount which can be contributed annually by the church employer for each employee for which an annuity is established under the plan. These limitations are set forth in IRC section 415 and basically limit the amount an employer can contribute annually to such an annuity to 20% of the employee's total compensation, (after deduction of the Housing Allowance exclusion) For example, if a minister's total compensation is actually $50,000 dollars but this includes a $10,000 dollar housing allowance and a tax sheltered annuity contribution of $8,000, the church employer may only contribute $8,000 dollars annually to the annuity without the minister having to report the annuity as income. Under this example, the minister's taxable income would be $32,000

even though he receives $32,000 in wages, $10,000 in housing allowance and $8,000 is paid toward his annuity.

In light of all of the foregoing information it is clear that tax planning is a necessity even for Church-employers and minister/employees.

It is recommended that the following areas be considered in developing an employee/minister's compensation package.

Paid Compensation
Housing Allowance
Church related Business Expenses Reimbursement
Health/Accident Insurance Coverage
Group Life Insurance Coverage
Vacation
Holidays
Sick/Personal Days
Pension/Retirement Contribution
Employment Taxes including Soc. Security and Unemployment

CHURCH VOLUNTEER AGREEMENT

This ___ day of _____ 19__, I _____,

the undersigned, hereby acknowledge that I have agreed to volunteer the following services to _____ CHURCH: _

_____.

it is my understanding that I will not, nor do I expect to receive any compensation, for my volunteer services. It is my further understanding that no benefits are in existence or promised to me for the voluntary services I may provide. I further understand that I will not be covered under workman's compensation for any other program for disability or death benefits.

I have voluntarily executed this agreement.

ATTEST:

_____
Signature of Volunteer

Subscribed and sworn to before me this ___ day of _____

_____
Notary Public

SAMPLE CHURCH INDEPENDENT CONTRACTOR AGREEMENT

This agreement made _____, 19__ between _____ an Illinois not-for-profit corporation, and _____. (contractor)

1. _____ hereby retains and engages the contractor to serve as _____ in connection with the _____ program/project. The contractor shall either render such services personally or, subject to the approval of the designated project/program director/supervisor of ___ _____ provide other properly trained personnel to render such services under the contractor's supervision.

2. The terms of this agreement shall be for the period commencing _____ 19___ and ending _____ 19___. Such terms may be extended upon written agreement of the parties executed on or before the expiration date of the terms as set forth above.

3. In consideration of the services to be rendered by the contractor pursuant to this agreement, _____ agrees to pay to the contractor, the sum of $_____ payable in installments of $_____ per _____ (day/week/bi-weekly/monthly) commencing _____ 19___. _____ further agrees to pay to the contractor the sum of $_____ for the following incidental expenses:

_____

_____

_____

It is understood and agreed by the parties hereto that the contractor will function as an independent contractor. Accordingly, all payments made to the contractor, hereunder,

will not be subject to the withholdings for federal, state or local income and employment tax purposes. It is further agreed by the parties, hereto, that as an independent contractor, the contractor will not be entitled to any employment benefits available to the employees of _____ including, but not limited to, holidays, vacations, sick leave with pay, jury duty compensation, military duty leave, health or life insurance.

Either party may terminate this agreement without cause at any time, upon _____ days written notice to the other party. In such event, _____ shall only be obligated to pay the sum specified in paragraph three (3) hereof pro rated to the date of termination.

The contractor further agrees that all information received or obtained by the contractor by virtue of the services rendered by said contractor to _____ ___ are of a confidential nature, including but not limited to all letter, notices, memoranda, statements and telephone communications to which said contractor shall be privy. No such information shall be distributed, commented upon or otherwise released by said contractor without prior authorization of the program/project director. Said contractor further agrees that no such release of confidential information shall be made by said contractor for a period of not less than two (2) years subsequent to the termination of this agreement and that any such release shall constitute a breach of trust for which _____ _____ may pursue all legal remedies available to it against said contractor in any court of law or equity in any jurisdiction wherein said contractor may be found.

This agreement shall bind the contractor its heirs assigns and successors.

Signed and Acknowledged this __ day of _____ 19__.

Church

_____ By_____

(Contractor) Chairman of the Board

WILSON-HOWARD, P.C.

TAX EXEMPTION CHECKLIST FOR CHURCHES AND NOT FOR PROFIT CORPORATIONS

ITEMS THAT ARE NEEDED TO COMPLETE AN APPLICATION FOR EXEMPTION FOR CHURCHES AND NOT FOR PROFIT CORPORATIONS - 501 (c) (3)

1. Articles of Incorporation
2. Amended Articles of Incorporation with a Purpose and Dissolution Clause.
3. Corporate By-Laws
4. Names, Addresses, and Titles of Officers, Directors, Trustees, etc. and their Annual Compensation.
5. Financial Statements for Current Tax Year (Income & Expense) and (Balance Sheet).
6. Financial Statements for the three prior years (If applicable).
7. Employer Identification Number.
8. Pamphlet describing Corporation's activities.
9. A Description of the Fundraising activities of organization.
10. The Written Creed or Statement of Faith for Churches.
11. A Schedule of Church Worship activities.
12. The Number of active and inactive members.
13. Membership dues (if required).
14. Average number of persons in attendance at Worship Services.
15. Any Religious services other than worship services that the church conducts.

ITEMS THAT ARE NEEDED FOR ILLINOIS ATTORNEY GENERAL, ILLINOIS SECRETARY OF STATE

1. Copy of Charter
2. Copy of Articles of Incorporation
3. A letter on Church or Corporation's stationery requesting exemption from Sales Tax
4. Copy of By-Laws
5. Any brochures or publications explaining the activities of your organization.
6. Copy of most recent financial statement.

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